A COLLECTION OF THE ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR

1920.

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TITLES OF ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1920.

I. An Act further to amend the Indian Steam-ships Act, 1884.

II. „ further to amend the Indian Army Act, 1911.

III. „ to modify certain provisions of the United Provinces Town Improvement Act, 1919.

IV. „ to provide for certain matters in connection with the taking of the Census.

V. „ to consolidate and amend the Law relating to Insolvency in British India, as administered by Courts having jurisdiction outside the Presidency-towns and the Town of Rangoon.

VI. „ to amend the Inland Steam-vessels Act, 1917

VII. „ further to amend the Indian Tariff Act, 1894.

VIII. „ to amend the Dourine Act, 1910.

IX. „ further to amend the law relating to Glanders and Farcy.

X. „ to consolidate and amend the law relating to Government Securities.

XI. „ further to amend the Presidency-towns Insolvency Act, 1909

XII. „ further to amend the Workman's Breach of Contract Act, 1859.

XIII. „ to amend the Import and Export of Goods Act, 1916.

XIV. „ to provide more effectual control over the administration of Charitable and Religious Trusts.

XV. „ to constitute an Indian Red Cross Society.

XVI. „ to transfer the Jagannath College at Dacca from Trustees to the Governor of Bengal in Council.

XVII. „ further to amend the Indian Income-tax Act, 1918.

XVIII. „ to establish and incorporate a unitary teaching and residential University at Dacca

XIX. „ to amend the law relating to Super-tax.

XX. „ to consolidate and amend the law relating to the suspension of sentences passed by Courts-martial under the Indian Army Act, 1911.

XXI An Act to consolidate and amend the enactments amending temporarily the Indian Paper Currency Act, 1910.

XXII. „ further to amend the Lepers Act, 1898.

XXIII. „ to provide for the better discipline of Police officers enrolled in Military Police or Rifle Battalions.

XXIV. „ further to amend the Code of Civil Procedure, 1908.

XXV. „ further to amend the Negotiable Instruments Act, 1881.

XXVI. „ further to amend the Indian Limitation Act, 1908, and the Code of Civil Procedure, 1908.

XXVII. „ further to amend the Indian Motor Vehicles Act, 1914.

XXVIII. „ to extend the operation of the Indian Patents and Designs (Temporary Rules) Act, 1915.

XXIX. „ further to amend the Indian Patents and Designs Act, 1911.

XXX. „ to prohibit the possession and import of rouble notes.

XXXI. „ to amend certain enactments and to repeal certain other enactments.

XXXII. „ to amend the Post Office Cash Certificates Act, 1917.

XXXIII. „ to authorise the taking of measurements and photographs of convicts and others

XXXIV. „ to take power to require passports of persons entering British India

XXXV. „ to validate certain Indentures relating to property formerly held by the Basel Mission Trading Company, and to provide for the incorporation of Trustees and for other purposes.

XXXVI. „ further to amend the Indian Coinage Act, 1906.

XXXVII. „ further to amend the Indian Army Act, 1911.

XXXVIII. „ to relax the control in certain respects of the Governor General in Council over Local Governments, and to transfer to such Governments certain powers now exercisable by the Governor General in Council.

XXXIX. „ to provide for the punishment of malpractices in connection with elections, and to make further provision for the conduct of inquiries in regard to disputed elections to legislative bodies constituted under the Government of India Act.

XL. „ to establish and incorporate a teaching and residential Muslim University at Aligarh

XLI. „ to provide for the installation of Wireless Telegraphy on ships registered in British India and for other purposes.

XLII. „ further to amend the Indian Companies Act, 1913.

XLIII. „ further to amend the Presidency Banks Act, 1876.

XLIV. „ further to amend the Indian Income-tax Act, 1918.

XLV. An Act further to amend the Indian Paper Currency Act, 1910.

XLVI. „ to enable Cutchi Memons to be governed in matters of succession and inheritance by the Muhammadan law.

XLVII. „ to constitute an Imperial Bank of India and for other purposes.

XLVIII. „ to constitute an Indian Territorial Force, and to provide for the enrolment therein of persons other than European British subjects.

XLIX. „ to constitute an auxiliary force for service in India.

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Section 23 amended	"	"
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Section 32 re-numbered and amended	"	"
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Section 42 amended	"	"
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Section 78 amended	,,	,,
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Section 32 amended	,,	,,
Section 74 (2) amended	,,	,,
Section 77 (2) amended	,,	,,
Section 81 (1) amended	,,	,,
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Section 6 amended	"	5
Section 7 substituted	"	6
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Section 10 amended	"	"
Section 11 amended	"	9
Section 13 amended	"	10
Section 19 amended	XXI XLV	2 11
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Section 21 substituted	XLV	15
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Section 24 amended	"	"
Section 25 amended	"	"
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ACT V OF 1910 (DOURINE)—		
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Section 41 amended	"	4
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Section 49 amended	"	6
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* Section 14 to be omitted
" 19 to be substituted
" 22 to be omitted
" 23 to be further amended
} with effect from a day to be appointed by the Governor General in Council, *vide s.* 12 of Act XLV of 1920

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Section 99 amended	"	"
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(2) in the entry relating to section 36 of Act IX of 1874, the words "subject to the control of the Governor General in Council",		
(3) in the entry relating to section 36, sub-section (*2*), of Act XX of 1883, the words "Subject to the control of the"; and		
(4) in the entry relating to section 55 of the same Act, the words from "and to the section" to the end of the entry repealed	XXXVIII	3 & Second Sch.
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Section 7 repealed	"	"
Section 9 repealed	"	"

	Act.	Section.
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Section 11 repealed in part	XVII	6 & Sch.
Section 13 repealed in part	"	"
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ACT XIII OF 1918 (INDIAN PAPER CURRENCY)—		
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ACT XVIII OF 1918 [INDIAN ARMY (SUSPENSION OF SENTENCES) AMENDMENT]—		
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ACT XII OF 1919 (POISONS)—		
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TABLE SHOWING

EFFECT OF LEGISLATION

IN THE

GOVERNOR GENERAL'S COUNCIL

DURING 1920.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals	Amendments.	Repealing or Amending Act.
		I.—Statutes.		
1	Army Act, 1881 (44 & 45 Vict., c. 58).	..	Provisions applied to commissioned officers of the Indian Auxiliary Force when doing duty as such officers, and also to non-commissioned officers and men of the said Force under certain circumstances.	Act XLIX of 1920, s. 21.
		II.—Acts of the Governor General in Council.		
2	Indian Tolls Act, 1851 (VIII of 1851).	In section 2 the words "not exceeding the rates mentioned in the Schedule annexed to this Act" and the Schedule.	.....	Act XXXVIII of 1920, s. 2 and First Sch.
3	Collection of Bombay Land Customs, 1857 (XXIX of 1857).	The proviso to section 5.	.....	*Ibid.*
4	Workman's Breach of Contract Act, 1859 (XIII of 1859).	..	Section 1 was re-numbered sub-section (*1*) of section 1.	Act XII of 1920, s. 2 (*1*).
			In sub-section (*1*) of section 1 as renumbered after the words "an advance of money" the words "not exceeding three hundred rupees" were inserted.	*Ibid* s. 2 (*2*) (*a*).
		In sub-section (*1*) of section 1 as renumbered the words "and the Magistrate shall thereupon issue" to the end of the section.	.....	*Ibid*, s. 2 (*2*) (*b*).

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
4	Workman's Breach of Contract Act, 1859 (XIII of 1859)—*contd.*	...	To section 1 the following sub-sections were added, namely:— "(2) The Magistrate shall at once examine the complainant on oath, and may thereupon dismiss the complaint if in his opinion there is no sufficient ground for proceeding. (3) If in the opinion of the Magistrate there is sufficient ground for proceeding, he shall issue a summons or warrant, as he may think proper, for bringing before him such artificer, workman or labourer, and shall hear and determine the case."	Act XII of 1920, s. 2 (3).
			For section 2 the following sections were substituted, namely:—	*Ibid*, s. 3.
			Order for repayment of advance or performance of contract. "2. (1) If it shall be proved to the satisfaction of the Magistrate that such artificer, workman or labourer has received money in advance not exceeding three hundred rupees, from the complainant on account of any such work, and has wilfully and without lawful or reasonable excuse neglected or refused to perform or get performed the same according to the terms of his contract, the Magistrate may in his discretion either order such artificer, workman or labourer to repay the money advanced, or such part thereof as may be just and proper, within such period and in such instalments, if any, as the Magistrate thinks fit, or order him to perform or get performed such work within such period, not exceeding one year, as the Magistrate may determine and otherwise according to the terms of the contract: Provided that no such order shall be made— (a) unless the complainant was brought within three months of the neglect or refusal; or (b) if it is proved that the complainant has on any previous occasion obtained an order under this sub-section against such artificer, workman or labourer.	

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
4	Workman's Breach of Contract Act, 1859 (XIII of 1859)—*contd.*	...	*Explanation* —Where no time has been fixed for the performance of a contract, neglect may be presumed to have occurred on the expiry of such period as the Magistrate deems to be a reasonable time for the performance thereof. (*2*) If such artificer, workman or labourer shall fail to comply with an order made under sub-section (*1*), the Magistrate may sentence him to imprisonment for a period not exceeding three months, or, if the order be for the repayment of a sum of money, for a period which may extend to three months or until repayment is made, whichever period is shorter: Provided that, where any instalment has been ordered, no sentence of imprisonment exceeding one month shall be passed for default in payment of any one instalment, and the aggregate of such sentences shall not exceed three months. (*3*) The Magistrate may, from time to time, extend the period for repayment of money advanced or for the performance of work, as the case may be, and may vary the instalments: Provided that no order shall be made under this sub-section extending beyond one year from the date of the order under sub-section (*1*) the period within which the work is to be performed. (*4*) No repayment of any money or order therefor shall deprive the complainant of any civil remedy whether for the recovery of any money advanced and remaining unpaid or otherwise, which he may have otherwise than under this Act. 2A. The Magistrate may in his discretion refuse to make an order under section 2 where in his opinion the contract in respect of a breach of which the complaint has been made was substantially unfair. Inequitable contracts not to be enforced. 2B. (*1*) If in any proceedings under this Act the Magistrate is of opinion that the complaint was false to the knowledge of the complainant or was frivolous or vexatious, he may in his discretion Compensation in false or frivolous or vexatious complaints.	Act XII of 1920, s. 3.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals	Amendments	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
4	Workman's Breach of Contract Act, 1859 (XIII of 1859)—*concld.*	...	call upon the complainant forthwith to show cause why he should not pay compensation to the person complained against. (2) The Magistrate shall consider any cause which such complainant may show, and, if after so doing he is satisfied that the accusation was false to the knowledge of the complainant or was frivolous or vexatious, he may, for reasons to be recorded, direct that compensation not exceeding fifty rupees be paid by the complainant to the person complained against. (3) Compensation for the payment of which an order is made under sub-section (2) shall be recoverable as if it were a fine, and the Magistrate may, by the order directing payment of the same, further order that in default of payment the complainant shall suffer simple imprisonment for a period which may extend to thirty days or until payment is made, whichever period is shorter."	Act XII of 1920, s. 3.
			In section 3 for the words "to be imprisoned with hard labour" the words "to imprisonment" were substituted.	*Ibid*, s. 4.
			For section 4 the following section was substituted, namely:— "4 In this Act the word "contract" shall extend to all contracts within the meaning of the Indian Contract Act, 1872: To what contracts Act extends. Provided that nothing in this Act shall apply to contracts where, a period having been specified for performance, such period exceeds one year."	*Ibid*, s. 5.
		In section 5 the words "by the Governor General of India in Council or."	.....	Act XXXVIII of 1920, s. 2 and First Sch.
5	Employers and Workmen (Disputes) Act, 1860 (IX of 1860).	In section 9 the words "of the Governor General of India in Council or."	.....	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
6	Societies Registration Act, 1860 (XXI of 1860)	...	Where the trust property is vested in any Society registered under the Act, no petition under the Charitable and Religious Trusts Act, 1920, shall lie in relation to such trust.	Act XIV of 1920, s. 9(*b*).
7	Indian Penal Code (XLV of 1860)	...	In section 21 after the tenth entry, the following was inserted, namely "Eleventh —Every person who holds any office in virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election"; and after *Explanation 2*, the following was added, namely —	Act XXXIX of 1920, s. 2 (*1*).
			"*Explanation 3*—The word 'election' denotes an election for the purpose of selecting members of any legislative, municipal or other public authority, of whatever character, the method of selection to which is by, or under, any law prescribed as by election."	
			After Chapter IX the following Chapter was inserted, namely.—	*Ibid*, s. 2 (*2*).
			"CHAPTER IXA. *Of Offences relating to elections.*	
			171A. For the purposes of this Chapter—	
			"Candidate," "electoral right" defined (*a*) "candidate" means a person who has been nominated as a candidate at any election, and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate thereat; provided that he is subsequently nominated as a candidate at such election;	
			(*b*) "electoral right" means the right of a person to stand, or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election.	
			Bribery. 171B. (*1*) Whoever—	
			(*i*) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or	

1	2	3	4	5
Serial No.	Enactments affected	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
7	Indian Penal Code (XLV of 1860)—*contd.*	...	(*ii*) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right; commits the offence of bribery Provided that a declaration of public policy or a promise of public action shall not be an offence under this section. (*2*) A person who offers or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification. (*3*) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward. 171C. (*1*) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election. Undue influence at elections. (*2*) Without prejudice to the generality of the provisions of sub-section (*1*), whoever— (*a*) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or (*b*) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (*1*).	Act XXXIX of 1920, s. 2 (*2*).

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments	Repealing Amend Act
	II.—Acts of the Governor General in Council—contd.			
7	Indian Penal Code (XLV of 1860)—*contd.*	...	(3) A declaration of public policy or a promise of publication, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section. Personation at elections 171D. Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election. Punishment for bribery 171E. Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both Provided that bribery by treating shall be punished with fine only. *Explanation* —'Treating' means that form of bribery where the gratification consists in food, drink, entertainment, or provision. Punishment for undue influence or personation at an election 171F. Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both. False statement in connection with an election. 171G. Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine. Illegal payments in connection with an election 171H. Whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meeting, or	Act XXXIX of 1920, s. 2 (2).

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
7	Indian Penal Code (XLV of 1860)—*concld.*	...	upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees ;	Act XXXIX of 1920, s. 2 (*2*).
			Provided that, if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.	
			171I. Whoever being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punished with fine which may extend to five hundred rupees." (Failure to keep election accounts.)	
		...	Census officers appointed under the Indian Census Act, 1920, to be deemed to be public servants within the meaning of the Code	Act IV of 1920, s. 3 (*2*)
		..	Wireless telegraphy inspector appointed under the Indian Wireless Telegraphy (Shipping) Act, 1920, deemed to be a public servant within the meaning of the Code.	Act XLI of 1920, s. 7.
		...	Resistance or refusal to allow the taking of measurements or photographs under the Identification of Prisoners Act, 1920, shall be deemed to be an offence under section 186 of the Code.	Act XXXIII of 1920, s. 6 (*2*).
			Refusal or neglect to perform any duty imposed under section 4 of the Indian Census Act, 1920, deemed an offence under section 187 of the Code.	Act IV of 1920, s. 4 (*2*).
		...	Certificate of indemnity granted under the Indian Elections offences and Inquiries Act, 1920, deemed full and complete defence to or upon any charge under Chapter IX-A. of the Code arising out of the matter to which the said certificate relates.	Act XXXIX of 1920, s. 8.
			Persons convicted under Sections 171E or 171-F of the Code disqualified for appointment to certain offices for a period of five years.	*Ibid*, s. 13.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
8	Police Act, 1861 (V of 1861).	...	In sections 2 and 3 after the word "subject" the words "in the case of officers of the Indian Police of and above the rank of Assistant Superintendent," were inserted	Act XXXVIII of 1920, s. 2 and First Sch.
9	Religious Endowments Act, 1863 (XX of 1863).	...	In any suit instituted under section 14, the defendant is liable to furnish security or deposit money out of the funds of the trust to which the suit relates, against plaintiff's costs in suit.	Act XIV of 1920, s. 10.
10	Indian Tolls Act, 1864 (XV of 1864).	The words from "not exceeding" to "Schedule mentioned" in the Preamble, the whole of section 1 and the Schedule.	.....	Act, XXXVIII of 1920, s. 2 and First Sch.
		...	In section 2, for the words from "specified in the Schedule" to the end of the section the words "authorised to be levied under the said Act VIII of 1851" were substituted.	*Ibid.*
11	Indian Succession Act, 1865 (X of 1865).	...	In section 332, for the words "Governor General of India in Council" wherever they occur, the words "Local Government", for the words "in British India" the words "in the territories administered by the Local Government," for the word "he" the words "the Local Government," and for the words "Gazette of India" the words "local official Gazette" were substituted.	*Ibid.*
12	Parsi Marriage and Divorce Act, 1865 (XV of 1865).	...	In section 8A, for the words "Governor General in Council" the words "Local Government, by which he was appointed," for the words "the Local Government, by which he was appointed" the words "such Local Government," and for the words "the Governor General" the words "such Local Government" were substituted.	*Ibid.*
13	Press and Registration of Books Act, 1867 (XXV of 1867).	...	In section 21, for the words "Governor General of India in Council" the words "Local Government," and for the words "Gazette of India" the words "local Gazette" were substituted.	*Ibid*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
14	Delegation of Powers to the Commissioner of Sind Act, 1868 (V of 1868).	In section 2 the words "with the consent of the Governor General of India in Council."	.....	Act XXXVIII of 1920, s 2 and First Sch.
15	Oudh Estates Act, 1869 (I of 1869).	...	In section 9, for the words "Governor General of India in Council" the words "Local Government", for the words "the said Governor General in Council" the words "the Local Government" and for the words "Gazette of India" where they occur for the second time the words "local official Gazette" were substituted.	*Ibid.*
16	Indian Volunteers Act, 1869 (XX of 1869).	The whole Act.	.....	Act XLIX of 1920, s. 36 and Sch. II.
17	Court-fees Act, 1870 (VII of 1870)	In section 20 the words "and sanctioned by the Governor General of India in Council."	.....	Act XXXVIII of 1920, s. 2 and First Sch.
		In sections 22 and 23 the words "and the Governor General of India in Council"	.....	*Ibid*
		...	In sections 26 and 35, for the words "Governor General of India in Council" the words "Local Government," and for the words "Gazette of India" the words "local official Gazette" were substituted.	*Ibid.*
			In section 35, for the words "British India" the words "the territories under its administration" were substituted.	*Ibid.*
18	Female Infanticide Prevention Act, 1870 (VIII of 1870).	In section 1 the words "with the previous sanction of the Governor General of India in Council."	.....	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
18	Female Infanticide Prevention Act, 1870 (VIII of 1870)—*contd.*	In section 3 the words "confirmed by the Governor General of India in Council and" and the words "in the Gazette of India and also."	...	Act XXXVIII of 1920, s. 2, and First Sch.
		...	In section 7, for the words from "and the Governor of Madras" to the end of the section the following was substituted, namely — "and the Local Government of any other part of British India may, by notification published in the local official Gazette, extend it to any part of the territories under the administration of that Local Government."	*Ibid.*
19	Coroners Act, 1871 (IV of 1871).	...	In section 36, for the words "Governor General in Council" the words "Local Government" were substituted	*Ibid.*
20	Indian Evidence Act, 1872 (I of 1872).	...	No entry in any book, register or record made by a census officer in the discharge of his duty as such officer or any entry in any schedule delivered under Section 9 of the Indian Census Act, 1920 is admissible as evidence notwithstanding anything to the contrary in the Indian Evidence Act, 1872.	Act IV of 1920, s. 12.
		...	Provisions applied to inquiries conducted under the Indian Elections Offences and Inquiries Act, 1920.	Act XXXIX of 1920, s. 6.
21	Special Marriage Act, 1872 (III of 1872).	...	In section 13-A for the words "Governor General in Council" wherever they occur the words "Local Government" were substituted.	Act XXXVIII of 1920, s. 2, and First Sch.
22	Indian Contract Act, 1872 (IX of 1872).	...	Government securities to be payable to survivors of joint or several payees in the case of death notwithstanding anything in section 45 of the Indian Contract Act, 1872.	Act X of 1920, s. 4 (*1*).
23	Indian Christian Marriage Act, 1872 (XV of 1872).	...	For section 86, the following section was substituted, namely :— "86. (*1*) The powers and functions exercisable by the Governor General in Council under sections 6, 8, 9, 47, 48, 56 and 84 shall, so far as regards any Native State Powers and functions exercisable as regards Native States.	Act XXXVIII of 1920, s. 2, and First Sch.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
23	Indian Christian Marriage Act, 1872 (XV of 1872) —*contd.*		which is within the political charge of a Local Government, be exercised by that Local Government. The exercise under this section by any Local Government of powers and functions under sections 6, 8, 9 and 56 shall be by notification in the local official Gazette. (2) The powers and functions exercisable under this Act by the Governor General in Council may be delegated to and exercised by such officers as he may from time to time appoint in this behalf."	
24	Northern India Canal and Drainage Act, 1873 (VIII of 1873).	In section 75, the words "subject to the control of the Governor General in Council" and the words "subject to the like control."	.....	Act XXXVIII of 1920, s 2, and First Sch.
25	Married Women's Property Act, 1874 (III of 1874).	...	In section 2. for the words "Governor General in Council" wherever they occur the words "Local Government," and for the words "Gazette of India" the words "local official Gazette" were substituted	*Ibid.*
26	European Vagrancy Act, 1874 (IX of 1874).	...	In section 1, for the words from "as the Governor General in Council" to the end of the section the following was substituted, namely:—"as in the case of Coorg and the said Islands the Local Government by notification in the local official Gazette, and in the case of any of the said dominions, the Governor General in Council by notification in the Gazette of India, from time to time, appoints in this behalf." To the same section, the following was added, namely.—"Provided further, that in the case of any of the said dominions which is within the political charge of a Local Government, the power conferred on the Governor General in Council by this section shall be exercised by that Local Government by notification in the local official Gazette."	*Ibid.*
		In sections 14 and 36, the words "subject to the control of the Governor General in Council."	.....	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
26	European Vagrancy Act, 1874 (IX of 1874)—*contd.*	..	In section 26, for the words "Government of India" the words "Governor, Lieutenant-Governor or Chief Commissioner of the Province concerned" and for the words "Governor General in Council" the words "Local Government" were substituted.	Act XXXVIII of 1920, s 2, and First Sch.
			To section 35, the following was added, namely:—"Provided that, in the case of any such place which is within the political charge of a Local Government, the power conferred on the Governor General in Council by this section shall be exercised by that Local Government by notification in the local official Gazette."	*Ibid*
27	Scheduled Districts Act, 1874 (XIV of 1874).	In sections 3, 5 and 5-A, the words "with the previous sanction of the Governor General in Council"; and in sections 3 and 5 the words "in the Gazette of India and also" and the words "if any".	.....	*Ibid.*
		...	In section 9 for the words "Governor General in Council" the words "Local Government" were substituted.	*Ibid.*
28	Indian Law Reports Act, 1875 (XVIII of 1875).	...	In the preamble, for the words "the Governor General in Council proposes" the words "it is proposed" were substituted.	*Ibid.*
			In section 3 for the words "the Governor General in Council" the words "any Local Government" were substituted.	*Ibid.*
29	Central Provinces Laws Act, 1875 (XX of 1875).	In section 10 the words "when sanctioned by the Governor General in Council."	. ...	*Ibid.*
30	Burma Land and Revenue Act, 1876 (II of 1876).	In section 1, the words "and with the previous sanction of the Governer General in Council."	.. . .	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
30	Burma Land and Revenue Act, 1876 (II of 1876)—*contd.*	In section 57 the words "subject to any restrictions from time to time imposed by the Governor General in Council."	.....	Act XXXVIII of 1920, s. 2, and First Sch.
		In section 60 the words "to the control of the Governor General in Council and."	.....	*Ibid.*
31	Presidency Banks Act, 1876 (XI of 1876).	The whole Act.	.....	Act XLVII of 1920, s 34, Sch III.
32	Oudh Laws Act, 1876 (XVIII of 1876).	...	To section 39 the following was added, namely:—"Provided that the previous sanction of the Governor General in Council which is required by clause (*d*) shall not be necessary in the case of any tax which, under rules made under clause (*a*) of sub-section (*3*) of section 80-A, of the Government of India Act, may be imposed, for the purposes of the Local Government, by any law made by the local legislature without the previous sanction of the Governor General."	Act XXXVIII of 1920, s. 2 and First Sch.
33	Opium Act, 1878 (I of 1878).	...	In sections 5 and 8 for the words "with the previous sanction" the words "subject to the control" were substituted.	*Ibid.*
		In section 13 the words "with the previous sanction of the Governor General in Council."	.....	*Ibid.*
34	Indian Forest Act, 1878 (VII of 1878).	In section 1 the words "with the previous sanction of the Governor General in Council."	.....	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments	Repealing or Amending Act.
	II.—Acts of the Governor General in Council.—contd.			
34	Indian Forest Act, 1878 (VII of 1878)—*contd.*	In section 31 the words "and subject to the control of the Governor General in Council."	... ...	Act XXXVIII of 1920, s. 2 and First Sch.
		In section 39, the words "subject to the control of the Governor General in Council" and the words "subject to the like control or sanction, respectively."	... ...	*Ibid.*
35	Indian Arms Act, 1878 (XI of 1878).	...	In section 1 for the words and figures "a volunteer enrolled under the Indian Volunteers Act, 1869," the words and figures "a member of either of the forces constituted by the Indian Territorial Force Act, 1920, or the Auxiliary Force Act, 1920," and for the word "volunteer" the word "member" were substituted.	Act XLIX of 1920, s. 35.
36	Northern India Ferries Act, 1878 (XVII of 1878).	...	In section 4, for the first Proviso the following was substituted, namely :— "Provided that, when a river lies between two Provinces, the powers conferred by this section shall in respect of such river, be exercised jointly by the Local Governments of those Provinces by notifications in their respective official Gazettes, and in any case where the said Local Governments fail to agree as regards the exercise of any such power, they shall exercise such power subject to the control of the Governor General in Council."	Act XXXVIII of 1920, s. 2 and First Sch.
		In clause (*d*) of section 17 the words "subject to the control of the Governor General in Council."	.....	*Ibid.*
37	Presidency Banks Act, 1879 (V of 1879).	The whole Act.	...	Act XLVII of 1920, s 34 and Sch. III.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council.—contd.			
38	Elephants Preservation Act, 1879 (VI of 1879)	In section 1, the words "with the previous sanction of the Governor General in Council."	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
		In section 6 the words "subject to the control of the Governor General in Council."	.....	*Ibid.*
39	Oudh Civil Courts Act, 1879 (XIII of 1879).	...	For section 6 the following was substituted, namely :— "6. The Judicial Commissioner, the District Judges, Subordinate Judges and Munsifs shall be appointed by the Local Government." (Appointment of officers under Act.)	*Ibid.*
40	Hackney Carriage Act, 1879 (XIV of 1879).	...	In section 5 for the words "Governor General in Council" where they first occur the words "Local Government" were substituted.	*Ibid.*
41	Dekkhan Agriculturists' Relief Act, 1879 (XVII of 1879).	In section 1, the words "with the previous sanction of the Governor General in Council"	.....	*Ibid.*
		In section 54, the words "and if the Government of India so direct shall."	.....	*Ibid.*
		...	In section 54, for the words "Government of India" where they occur for the second time in the same section, the words "Local Government" were substituted.	*Ibid.*
		...	Cases covered by Chapter IV excluded from the operation of the Provincial Insolvency Act, 1920.	Act V of 1920, s. 82(*b*).
42	Religious Societies Act, 1880 (I of 1880).	...	In section 1 for the words "Governor General in Council" the words "Local Government," and for the words "Gazette of India" the words "local official Gazette" were substituted.	Act XXXVIII of 1920, s. 2 and Sch. I.
43	Indian Merchant Shipping Act, 1880 (VII of 1880).	In sections 23 and 73 the words "with the previous sanction of the Governor General in Council."	.....	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
44	Vaccination Act, 1880 (XIII of 1880).	In sections 4, 5 and 20 the words "subject to the control of the Governor General in Council."	.....	Act XXXVIII of 1920, s 2 and Sch. I.
45	Probate and Administration Act, 1881 (V of 1881).	In section 2, the words "with the previous sanction of the Governor General in Council."	.....	*Ibid.*
46	Broach and Kaira Incumbered Estates Act, 1881 (XXI of 1881).	In section 3, the words "with the previous sanction of the Governor General in Council."	.....	*Ibid.*
47	Negotiable Instruments Act, 1881 (XXVI of 1881).	...	After section 75, the following section was inserted, namely :— "75A. Delay in presentment for payment is excused if the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, presentment must be made within a reasonable time." (Excuse for delay in presentment for payment.)	Act XXV of 1920, s. 2.
		...	No endorsement of a Government Promissory Note shall be valid unless made by the signature of the holder inscribed on the back of the security itself notwithstanding anything in Section 15 of the Act.	Act X of 1920, s. 5
			Provisions to be construed as in no way affecting the Governor General in Council's power to issue to Rulers of States in India Government Securities in respect of any loan under certain conditions of negotiability.	*Ibid*, s. 7.
			Indorser of Government Security merely as such indorser, not liable for amount thereof notwithstanding anything in the Act.	*Ibid*, s. 8.
48	Indian Trusts Act, 1882 (II of 1882).	...	In clause (*a*) of section 20 after the word "securities" the words "of any Local Government or" were inserted.	Act XXXI of 1920, s 2 and Sch. I.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
48	Indian Trusts Act, 1882 (II of 1882)—*contd.*	...	Securities described in section 20 may be utilised towards the investment of University monies, by the Executive Council of the Dacca University.	Act XVIII of 1920, s 4 (*i*) of the Sch.
		...	Provisions to apply in the appointment of successors as trustees to those named in the First Schedule of the Basel Mission Trading Company Act, 1920.	Act XXXV of 1920, s. 2 and Sch. I.
49	Transfer of Property Act, 1882 (IV of 1882).	In sections 1 and 117 the words "with the previous sanction of the Governor General in Council."	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
50	Presidency Small Cause Courts Act, 1882 (XV of 1882).	In section 7 the words "subject to the control of the Governor General in Council" and the words "with the previous sanction of the Governor General in Council."	...	*Ibid.*
51	Punjab District Boards Act, 1883 (XX of 1883).	In sub-section (*2*) of section 11, in proviso (*a*) the words "or the Governor General in Council, for some reason affecting the public interests, sanctions the direction," and in proviso (*b*) the words "except with the approval of the Governor General in Council or."	.....	*Ibid.*
		...	In section 30, for the words "Governor General in Council" the words "Local Government" were substituted.	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
51	Punjab District Boards Act, 1883 (XX of 1883) —*contd.*	In sub-section (*2*) of section 36, the words "subject to the control of the Governor General in Council," where they occur in both places.	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
		..	In clause (*1*) of section 55, for the words "Governor General in Council" the words "Local Government" were substituted, and in sub-clause (*a*) before the words "make general rules" the following was inserted, namely:— "in the case of taxes which under rules made under clause (*a*) of sub-section (*3*) of section 80-A. of the Government of India Act, a local authority may be authorised to impose by any law made by the local legislature without the previous sanction of the Governor General."	*Ibid.*
		In section 55 the words from "Rules made under clause 2(*b*)" to the end of the section	... ..	*Ibid.*
52	Indian Steamships Act, 1884 (VII of 1884)	Section 6.	.....	Act I of 1920, s. 2.
		...	After section 13 the following section was inserted, namely:— "14. If a steam-ship on any voyage carries or attempts to carry passengers in contravention of section 4, or has on board or in any part thereof a number of passengers which is greater than the number set forth in the certificate of survey as the number of passengers which the steamship or the part thereof is, in the judgment of the surveyor, fit to carry on that voyage, the owner and the master shall each be punishable with fine which may extend to one thousand rupees, and also with an additional fine not exceeding twenty rupees for every passenger above the number so set forth, or, if the fare of any passenger on board exceeds twenty rupees, not exceeding double the amount of the fares of all the passengers above	*Ibid*, s. 3.

Penalty for carrying passengers in contravention of the Act.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
52	Indian Steamships Act, 1884 (VII of 1884)—*contd.*	...	the number so set forth, reckoned at the highest rate of fare payable by any passenger on board; and if the master or any other officer of any steam-ship which carries or attempts to carry passengers in contravention of section 4 is a licensed pilot, he shall be liable to have his license as a pilot suspended or cancelled for any period by the Local Government."	
		In sub-section (*4*) of section 13, in clause (*a*) the words "with the previous sanction of the Governor General in Council" and in clause (*b*) the words "of its own authority".	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
53	Bengal Tenancy Act, 1885 (VIII of 1885).	In sub-section (*7*) of section 39, the words "subject to the control of the Governor General in Council."	.....	*Ibid.*
		In section 101, sub-section (*1*), the words "with the previous sanction of the Governor General in Council and may" and the words "without such sanction in any of the cases next hereinafter mentioned."	.....	*Ibid.*
		...	In sub-section (*2*) of section 101 for the words from "The cases" to "the following" the following was substituted, namely:— "In particular and without prejudice to the generality of the foregoing power, the Local Government may make such an order in the following cases."	*Ibid.*
			In sub-section (*3*) of section 105, for the words "Government of India" the words "Local Government," and for the words "Gazette of India" the words "local official Gazette" were substituted.	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
53	Bengal Tenancy Act, 1885 (VIII of 1885)—*contd.*	In section 112, in sub-section (*1*), the words "with the previous sanction of the Governor General in Council" and the whole of sub-section (*3*).	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
54	Land Acquisition (Mines) Act, 1885 (XVIII of 1885)	...	In clause (*c*) of section 3 (*2*), and in section 8, for the words "Governor General in Council" the words "Local Government" were substituted.	*Ibid.*
		In sub-section (*2*) of section 5, the words "in such manner as the Governor General in Council may from time to time direct."	.....	*Ibid.*
		...	To section 5, the following sub-section was added, namely :— "(*5*) Every declaration made under this section shall be published in such manner as the Local Government may direct."	*Ibid.*
			In section 14, after the words "those sections" the words "except in section 5, sub-section (*5*) and section 8" were inserted.	*Ibid.*
55	Births, Deaths and Marriages Registration Act, 1886 (VI of 1886).	In sub-section (*2*) of section 11, the words "with the previous approval of the Governor General in Council."	.....	*Ibid.*
		...	To section 13 the following proviso was added, namely :—"Provided that the powers and functions exercisable by the Governor General in Council under this section shall, in the case of any such dominions which are within the political charge of a Local Government, be exercised by that Local Government by notification in the local official Gazette."	*Ibid*
			To sub-section (*2*) of section 24, the following was added, namely :—"Provided that such certified copies shall, in the case of any such dominions which are within the political	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
55	Births, Deaths and Marriages Registration Act, 1886 (VI of 1886)—*contd.*	...	charge of a Local Government, be sent to the Registrar General of Births, Deaths and Marriages for the territories under the administration of that Local Government."	Act XXXVIII of 1920, s. 2 and Sch. I.
			To section 32, the following was added, namely —"Provided that such register or record shall, in the case of any such dominions which are within the political charge of a Local Government, be sent to the Registrar General of Births, Deaths and Marriages for the territories under the administration of that Local Government."	*Ibid.*
			For sub-section (*1*) of section 33, the following was substituted, namely :—	*Ibid.*
			"(*1*) Any Local Government in the case of registers or records sent under section 32 to the Registrar General for the territories under its administration, and the Governor General in Council, in the case of registers or records so sent to any other Registrar General appointed by him under the said section, may appoint so many persons as it or he, as the case may be, thinks fit to be Commissioners for examining such registers of records."	
			In sub-section (*2*) of the same section, for the words "Governor General in Council" the words "authority appointing them" were substituted.	*Ibid.*
			For sub-section (*1*) of section 35-A, the following was substituted, namely —	*Ibid.*
			"(*1*) The Governor General in Council or the Local Government, if he or it thinks fit may, by notification in the Gazette of India or the local official Gazette, as the case may be, appoint more Commissions than one for the purposes of section 33, each such Commission consisting of so many and such members, and having its functions restricted to the disposal, under this Act and the rules thereunder, of such registers and records sent under section 32 to the Registrar General, as may be specified in the notification."	

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
56	Indian Securities Act, 1886 (XIII of 1886).	The whole Act.	.....	Act X of 1920, s. 25.
57	Suits Valuation Act, 1887 (VII of 1887).	...	In sub-section (*1*) of section 3, for the words "with the previous sanction" the words "subject to the control" were substituted.	Act XXXVIII of 1920, s. 2 and Sch. I.
58	Native Passenger Ships Act, 1887 (X of 1887).	...	In section 20, for the words "Governor General in Council" the words "Local Government" were substituted.	*Ibid.*
		In sub-section (*2*) of section 23, the words "with the previous sanction of the Governor General in Council."	.....	*Ibid*
59	Bengal, Agra and Assam Civil Courts Act, 1887 (XII of 1887).	...	For section 4, the following section was substituted, namely — "4. The Local Government may alter the number of District Judges, Subordinate Judges and Munsifs now fixed."	*Ibid.*
			In sub-section (*1*) of section 15, after the words "Governor General in Council" the following was inserted, namely — "in the case of the High Court at Calcutta and by the Local Government in other cases."	*Ibid.*
		In clause (*b*) of section 36 (*1*), the words "with the previous sanction of the Governor General in Council."	.....	*Ibid.*
60	Punjab Tenancy Act, 1887 (XVI of 1887).	In section 107, the words "to the control of the Governor General in Council and"	.....	*Ibid.*
61	Punjab Land-revenue Act, 1887 (XVII of 1887).	...	In section 5, after the words "those tahsils" the words "and districts" were inserted.	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		II.—Acts of the Governor General in Council—contd.		
61	Punjab Land-revenue Act, 1887 (XVII of 1887)—*contd.*	In section 5, the words "districts and" where they occur for the second time.	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
		In clause (*a*) of section 61 (*1*) and in clause (*e*) of section 145 (*1*), the words "with the previous sanction of the Governor General in Council."	.....	*Ibid.*
		...	In sub-section (*4*) of section 145, for the words "Governor General in Council may on a reference from the Local Government" the words "Local Government may" were substituted; and in sub-section (*5*) of the same section for the words "Governor General in Council" the words "Local Government" were substituted.	*Ibid.*
		In section 156, the words "to the control of the Governor General in Council and."	.....	*Ibid.*
62	Burma Financial Commissioner's Act, 1888 (XVIII of 1888).	In sections 4 and 5, the words "with the previous sanction of the Governor General in Council," and in section 5 the words "with such sanction as aforesaid."	.....	*Ibid.*
63	Charitable Endowments Act, 1890 (VI of 1890).	...	In sub-section (*1*) of section 3 for the words "Governor General in Council" the words "Local Government," and for the words "any Local Government" the words "such Local Government" were substituted.	*Ibid.*
			In clause (*e*) of section 4 (*3*) and in section 11 for the words "Governor General in Council" the words "Local Government" were substituted.	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
63	Charitable Endowments Act, 1890 (VI of 1890)—*contd.*	...	For section 13, the following section was substituted, namely .— "13. (*1*) The Governor General in Council may prescribe forms for any proceedings under this Act and may make rules consistent with this Act for prescribing the Local Government which is to exercise the powers conferred by this Act in the case of property which is, or is situated, in territories subject to two or more Local Governments. (*2*) The Local Government may make rules consistent with this Act for— (*a*) prescribing the fees to be paid to the Government in respect of any property vested under this Act in a Treasurer of Charitable Endowments; (*b*) regulating the cases and the mode in which schemes or any modification thereof are to be published before they are settled or made under section 5; (*c*) prescribing the forms in which accounts are to be kept by Treasurers of Charitable Endowments and the mode in which such accounts are to be audited; and (*d*) generally carrying into effect the purposes of this Act."	Act XXXVIII of 1920, s. 2 and Sch. I.
		Section 16.	.....	*Ibid.*
64	Births, Deaths and Marriages Registration Act (1886) Amendment Act, 1890 (XVI of 1890).	Section 2.	.....	*Ibid.*
65	Indian Christian Marriage Act (1872) Amendment Act, 1891 (II of 1891).	Section 10.	.....	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
66	Amending Act, 1891 (XII of 1891).	So much of Part I of the Second Schedule as relates to section 24 of Act III of 1864.	.....	Act XXXI of 1920, s. 3 and Sch. II.
		So much of Part I of the Second Schedule as relates to section 26 of Act IX of 1874.	.....	*Ibid.*
		So much of the Second Schedule as relates to the Indian Volunteers Act, 1869.	.....	Act XLIX of 1920, s 36 and Sch. II.
67	Oudh Courts Act, 1891 (XIV of 1891).	In sub-section (*1*) of section 4, the words "with the previous sanction of the Governor General in Council."	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
68	Land Acquisition Act, 1894 (I of 1894).	In sub-section (*1*) of section 38 and in section 41, the words "subject to such rules as the Governor General of India in Council may from time to time prescribe in this behalf."	.....	*Ibid.*
		In sub-section (*1*) of section 55, the words "subject to the control of the Governor General in Council."	.....	*Ibid.*
		...	To sub-section (*1*) of section 55, the following proviso was added, namely :— "Provided that, where the provisions of this Act are put in force for the acquisition of land— (*a*) for the purposes of any railway, or	*Ibid.*

Serial No.	2 Enactments affected.	3 Repeals.	4 Amendments.	5 Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
68	Land Acquisition Act, 1894 (I of 1894)—*contd.*	...	(*b*) for such other purposes, connected with the administration of a central subject as defined in section 45-A of the Government of India Act, as the Governor General in Council may, by notification in the Gazette of India, declare in this behalf, the power to make, alter and add to rules conferred on the Local Government by this sub-section shall be exercised subject to the control of the Governor General in Council."	Act XXXVIII of 1920, s. 2 and Sch. I.
69	Indian Tariff Act, 1894 (VIII of 1894).	...	In Schedule II for item 45, the following was substituted, namely — "45 Subject to the exemptions specified in No. 10— (1) Firearms other than pistols, including gas and air-guns and rifles. — Each — Rs. 15 (2) Barrels for the same, whether single or double. — " — 15 (3) Pistols, including automatic pistols and revolvers. — " — 15 (4) Barrels for the same, whether single or double — " — 15 (5) Main springs and magazine springs for firearms, including gas guns and rifles — " — 5 (6) Gun stocks and breech blocks — " — 3 (7) Revolver-cylinders, for each cartridge they will carry. — " — 2 (8) Actions (including skeleton and waster) breech bolts and their heads, cocking pieces and locks (for muzzle loading arms) — " — 1 (9) Machines for making, loading, or closing cartridges for rifled arms — *Ad valorem* — 20 per cent. (10) Machines for capping cartridges for rifled arms. — *Ad valorem* — 20 per cent" (Items 4, 5, 6, 7, 8 marked: or 20 per cent *ad valorem*, whichever is higher)	Act VII of 1920, s. 2
70	Amending Act, 1895 (XVI of 1895).	In the Second Schedule, Part I, the entry relating to Bombay Act II of 1876.	.....	Act XXXVIII of 1920, s. 3 and Sch. II.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
71	Cotton Duties Act, 1896 (II of 1896).	...	In sub-section (*3*) of section 28, for the words "Governor General in Council" the words "Local Government" were substituted.	Act XXXVIII of 1920, s. 2 and Sch. I.
72	Indian Volunteers Act Amendment Act, 1896 (X of 1896).	The whole Act.	.....	Act XLIX of 1920, s. 36 and Sch. II.
73	Epidemic Diseases Act, 1897 (III of 1897).	Sub-section (*3*) of section 2	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
		...	After section 2, the following section was inserted, namely —	*Ibid.*
			"2A. When any Local Government is satisfied that the Province or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic disease, and that the ordinary provisions of the law for the time being in force are insufficient to prevent the outbreak of such disease or the spread thereof, such Local Government may exercise all or any of the powers conferred by this Act on the Governor General in Council." (Concurrent powers of Local Government.)	
74	Provident Funds Act, 1897 (IX of 1897).	...	In section 6 for the words "Governor General in Council" the words "Local Government" and for the word "his" the word "its" were substituted.	*Ibid.*
		...	The Governor General in Council may, by notification in the Gazette of India, extend the application of the provisions to the Dacca University pension or provident fund, anything contained in the Act notwithstanding.	Act XVIII of 1920, s. 46(*2*).
		...	The Governor General in Council may declare that the provisions shall apply to Aligarh Muslim University provident or pension fund.	Act XL of 1920, s. 37(*2*).

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
75	General Clauses Act, 1897 (X of 1897).	...	After section 30, the following section was inserted, namely — "31. In any enactment made by any authority in British India before the date on which section 3 of the Government of India Act, 1919, comes into operation, and in any rule, order, notification, scheme, bye-law or other document made under or with reference to any such enactment, any reference by whatever form of words to an authority authorised by law, at the time the enactment was made, to administer executive government in any part of British India shall, where a corresponding new authority has been constituted by the Government of India Act, 1919, be construed for all purposes, after the above-mentioned date, as a reference to such new authority." Construction of references to Local Government of a Province	Act XXXI of 1920, s. 2 and Sch. I.
76	Lepers Act, 1898 (III of 1898).	In sub-section (*4*) of section 1, the words "and may in like manner amend or cancel any such notification."	.....	Act XXII of 1920, s. 2.
		In clause (*1*) of section 2, the words "in whom the process of ulceration has commenced."	.....	*Ibid*, s. 3.
		...	For section 3, the following section was substituted, namely:— "3. The Local Government may, by notification in the official Gazette, appoint any place to be a leper asylum if it is satisfied that adequate arrangements have been made or will be made for the accommodation and medical treatment of lepers therein, and may, by a like notification, specify the local areas from which lepers may be sent to such asylum."	*Ibid*, s. 4.
			In sub-section (*1*) of section 6 after the words "any police-officer" the words "or any other person specially empowered by the Local Government by order in writing in this behalf" were inserted; and In sub-section (*2*) of section 6 after the words "such police-officer" the words "or other person" were inserted.	*Ibid*, s. 5.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
76	Lepers Act, 1898 (III of 1898)—*contd.*	...	In section 12 for the words "by any police-officer without a warrant," the words "without a warrant by any police-officer or by any other person especially empowered by the Local Government by order in writing in this behalf" were substituted.	Act XXII of 1920, s. 6.
77	Code of Criminal Procedure, 1898 (V of 1898).	In the proviso to section 1 (*2*), the words "with the sanction of the Governor General in Council."	.....	Act XXXVIII of 1920, s 2 and Sch. I.
		In sections 7 (*2*), 14 (*3*), 269 (*1*), 495 (*1*), 544 and 565 (*3*), the words "with the previous sanction of the Governor General in Council."	.....	*Ibid.*
		...	For section 22, the following section was substituted, namely:— "22. Every Local Government, so far as regards the territories subject to its administration (other than the presidency-towns), may by notification in the official Gazette appoint such European British subjects as it thinks fit to be Justices of the Peace within and for the local area mentioned in such notification."	*Ibid.*
			In sub-section (*1*) of section 24, for the words "Governor General in Council" the words "Local Government," and for the words "British India," where they occur for the second time, the words "the territories subject to its administration" were substituted.	*Ibid.*
		In section 27, the words from "the Governor General in Council" to "and."	.....	*Ibid.*
		...	In section 132 for the words "Governor General in Council" the words "Local Government" were substituted, and to the same section the following proviso was added, namely:— "Provided that no such prosecution shall be instituted in any Criminal Court against any officer or soldier in His Majesty's Army, except with the sanction of the Governor General in Council"	*Ibid.*
		...	In section 196 of the Code after the words "Chapter VI" the words "or IX A." were inserted.	Act XXXIX of 1920, s. 3(*1*).

Serial No.	2	3	4	5
	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
77	Code of Criminal Procedure, 1898 (V of 1898)—*contd.*	...	In sub-section (4) of section 313, after the words "Governor General in Council" the words "or the Local Government" were inserted.	Act XXXVIII of 1920, s. 2 and Sch. I.
		...	In Schedule II after the entries relating to Chapter IX of the Indian Penal Code, the following was added, namely —	Act XXXIX of 1920, s 3(2).

"CHAPTER IX A.—OFFENCES RELATING TO ELECTIONS.

171 E	Bribery . . .	Shall not arrest without warrant.	Summons .	Bailable.	Not compoundable	Imprisonment of either description for one year, or fine, or both or if treating only, fine only.	Presidency Magistrate or Magistrate of the First Class.
171 F	Undue influence and personation at an election.	do.	do.	do.	do.	Imprisonment of either description for one year, or fine or both	do
171 G	False statement in connection with an election.	do.	do.	do	do.	Fine.	do
171 H	Illegal payments in connection with elections	do.	do.	do	do.	Fine of 500 rupees	do.
171 I	Failure to keep election accounts.	do.	do.	do	do	Fine of 500 rupees.	do "

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—*Acts of the Governor General in Council*—contd.			
77	Code of Criminal Procedure, 1898 (V of 1898)—*contd.*	...	No entry in any book, register or record made by a census-officer in the discharge of his duty as such officer or any entry in any Schedule delivered under section 9 of the Indian Census Act, 1920, is admissible as evidence in any proceeding under Chapter XII or Chapter XXXVI of the Code notwithstanding anything to the contrary in the Indian Evidence Act, 1872.	Act IV of 1920, s. 12.
		...	Insolvent's liability under an order for maintenance under section 488 not to be affected by an order of discharge under the Provincial Insolvency Act, 1920.	Act V of 1920, s. 44.
			Procedure prescribed by the Code for the service of summons to apply in the service of notice upon debtor under section 70 of the Provincial Insolvency Act, 1920, and the procedure for the trial of warrant cases prescribed by Chapter XXI of the Code to apply in the hearing of such notice or any charge framed in pursuance thereof. The provisions of Chapter XXIII in respect of trials before High Courts and Courts of Session, rendered inapplicable.	*Ibid*, s. 70 (*1*)—(*3*).
			The procedure prescribed for dealing with complaints to apply where a Magistrate of the first class on written complaint by the Court in respect of any offence under section 69 of the Provincial Insolvency Act, 1920, proceeds to deal with the same.	*Ibid*, s. 70 (*5*).
		...	A Police-officer making an investigation under Chapter XIV of the Code included in the definition of Police-officer under the Identification of Prisoners Act, 1920.	Act XXXIII of 1920, s. 2.
			Every person ordered to give security for good behaviour under section 118 of the Code rendered liable to allow his measurements and photographs to be taken.	*Ibid*, s. 3.
			For the purposes of an investigation or proceeding under the Code, and subject to certain conditions, a person may be directed to allow his measurement and photograph to be taken.	*Ibid*, s. 5.
		...	Provisions of section 61 of the Code to apply, so far as may be, in the case of an arrest under section 4 of the Indian Passport Act, 1920.	Act XXXIV of 1920, s. 4.
		...	Commissioners appointed to hold an inquiry as defined in section 4 of Act XXXIX of 1920 to be deemed a Civil Court within the meaning of sections 480 and 482 of the Code.	Act XXXIX of 1920, s. 5.

Serial No.	2	3	4	5
	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
77	Code of Criminal Procedure, 1898 (V of 1898)—*concld.*	...	For the purposes of sections 128, 130 and 131 of the Code all officers, non-commissioned officers and men of the Indian territorial force appointed to a corps or unit, to be deemed of corresponding rank in His Majesty's Army.	Act XLVIII of 1920, s. 15.
		...	Every European British subject as defined in the Code to be eligible for enrolment under the Auxiliary Force Act, 1920, subject to the provisions of the same.	Act XLIX of 1920, s. 4.
78	Burma Laws Act, 1898 (XIII of 1898).	...	In sections 10 (*3*), 12 (*1*) (*b*) and (*c*) and 14 (*1*), for the words "with the previous sanction" the words "subject to the control" were substituted.	Act XXXVIII of 1920, s 2 and Sch. I.
79	Government Buildings Act, 1899 (IV of 1899).	...	In sub-section (*3*) of section 4, after the word "section" the following was inserted, namely.—"in regard to any building which is used or required for the administration of a central subject as defined in section 45-A. of the Government of India Act or which is the property of the Government of India."	*Ibid.*
80	Indian Arbitration Act, 1899 (IX of 1899).	In the proviso to section 2, the words "with the previous sanction of the Governor General in Council."	.....	*Ibid.*
		...	Provisions to govern to the extent of application, all arbitration within the purview of section 45 of the Dacca University Act, 1920.	Act XVIII of 1920, s. 45.
		...	Provisions, save section 2, to apply to arbitration under section 36 (*2*) of the Aligarh Muslim University Act, 1920.	Act XL of 1920, s. 36 (*2*).
81	Glanders and Farcy Act, 1899 (XIII of 1899).	...	In sub-section (*1*) of section 2, for the words "Governor General in Council" the words "Local Government," and for the words "Gazette of India" the words "local official Gazette" were substituted.	Act XXXVIII of 1920, s. 2 and Sch. I.
		...	In section 2(*2*), the word "camels" was inserted between the words "to" and "asses."	Act IX of 1920, s. 2.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
81	Glanders and Farcy Act, 1899 (XIII of 1899)—*contd.*	...	For section 3, the following section was substituted, namely :— "3. (*1*) The Local Government may, by notification in the local official Gazette, apply this Act or any provision of this Act to any local area, to be specified in such notification, within the province. Application of Act to local areas by Local Government (*2*) In any such notification the Local Government may further direct that the Act or any provision so applied shall apply in respect of— (*a*) all or any of the diseases mentioned or specified in a notification under section 2, sub-section (*1*), (*b*) all animals or any class of animals mentioned in section 2, sub-section (*2*)."	Act IX of 1920, s. 3.
82	Presidency Banks Act, 1899 (XX of 1899).	The whole Act.	.....	Act XLVII of 1920, s. 34 and Sch. III.
83	Central Provinces Court of Wards Act, 1899 (XXIV of 1899).	In clause (*c*) of section 2, the words "with the previous sanction of the Governor General in Council."	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
84	Prisoners Act, 1900 (III of 1900).	...	In sub-section (*1*) of section 19, for the words "British India" the words "the Province" and for the words "Governor General in Council" the words "Local Government" were substituted.	*Ibid.*
			For section 21, the following section was substituted, namely :— "21. (*1*) The Local Government may grant to any person under sentence of penal servitude a licence to be at large within	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
84	Prisoners Act, 1900 (III of 1900)—*contd.*	...	such part of the Province and during such portion of his term of penal servitude as may be specified in the licence and upon such conditions as the Governor General in Council may by general or special order prescribe. (*2*) The Local Government may revoke or, subject to such conditions, alter any licence granted under sub-section (*1*)."	Act XXXVIII of 1920, s. 2 and Sch. I.
			In section 23 for the words "Government of India" the words "Local Government" were substituted.	*Ibid.*
			For sub-section (*4*) of section 30, the following was substituted, namely — "(*4*) In any case in which the Local Government is competent under sub-section (*1*) to order the removal of a prisoner to a lunatic asylum or other place of safe custody within the Province, the Local Government may order his removal to any such asylum or place within any other Province or within the territories of any Native Prince or State in India by agreement with the Local Government of such other Province or with such Native Prince or State, as the case may be; and the provisions of this section respecting the custody, detention, remand and discharge of a prisoner removed under sub-section (*1*) shall, so far as they can be made applicable, apply to a prisoner removed under this sub-section."	*Ibid.*
			Section 32 was re-numbered section 32 (*1*) and in the same section for the words "Governor General in Council" the words "Local Government" and for the words "British India" the words "the Province" were substituted. And to the same section the following sub-section was added, namely :— "(*2*) In any case in which the Local Government is competent under sub-section (*1*) to appoint places within the Provinces	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
84	Prisoners Act, 1900 (III of 1900)—*concld.*	...	and to order the removal thereto of persons under sentence of transportation, the Local Government may appoint such places in any other Province by agreement with the Local Government of that Province, and may by like agreement give orders or duly authorise some officer to give orders for the removal thereto of such persons."	
		In section 42, the words "The Governor General in Council or", the words "the Gazette of India or" and the words "as the case may be."	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
85	Lower Burma Courts Act, 1900 (VI of 1900).	...	Section 8 not affected by the Provincial Insolvency Act, 1920.	Act V of 1920, s. 82(*a*).
		Section 16 and so much of Part I of the First Schedule as relates to sections 19 and 21 of Act V of 1880.	.....	Act XXXI of 1920, s. 3 and Sch. II.
		...	In sub-section (*1*) of section 17, for the words "Governor General in Council" the words "Local Government" were substituted.	Act XXXVIII of 1920, s. 2 and Sch. I.
86	Punjab Alienation of Land Act, 1900 (XIII of 1900).	In section 24, the words "with the previous sanction of the Governor General in Council."	.....	*Ibid.*
87	Assam Labour and Emigration Act, 1901 (VI of 1901).	...	In clause (*b*) of section 1(*2*) and in section 221, for the words "with the previous sanction" the words "subject to the control" were substituted.	*Ibid.*
			In sub-section (*2*) of section 64, for the words "the Governor General in Council" the words "Local Government" were substituted.	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
88	Indian Mines Act, 1901 (VIII of 1901).	In sub-section (*1*) of section 18, the words "the Governor General in Council or" where they occur in both places.	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
89	Amending Act, 1903 (I of 1903).	In Part II of the Second Schedule in the entry in column 4 against Act XXI of 1836, the words "with the previous sanction of the Governor General in Council."	.....	*Ibid.*
90	Central Provinces Municipal Act, 1903 (XVI of 1903).	...	In section 35 for the words "Governor General in Council" where they first occur the words "Local Government" were substituted, and to clause (*a*) the following sub-clause was added, namely.— "(*xii*) any other tax which, under rules made under clause (*a*) of section 80-A., sub-section (*3*), of the Government of India Act, a local authority may be authorised to impose by any law made by the local legislature without the previous sanction of the Governor General."	*Ibid.*
91	Indian University Act, 1904 (VIII of 1904).	...	Provisions not to operate against certain students contemplated in section 32 of the Aligarh Muslim University Act, 1920, in regard to admission to certain examinations of the Allahabad University.	Act XL of 1920, s. 32 (*5*).
92	Indian Coinage Act, 1906 (III of 1906).	...	In section 11, for the word "fifteen" the word "ten" was substituted.	Act XXXVI of 1920, s 2.
93	Presidency Banks (Amendment) Act, 1907 (I of 1907).	The whole Act.	.....	Act XLVII of 1920, s. 34 and Sch. III.
94	Provincial Insolvency Act, 1907 (III of 1907).	So much as has not been repealed.	.....	Act V of 1920, s. 83 and Sch. III.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		II.—Acts of the Governor General in Council—contd.		
95	Code of Civil Procedure, 1908 (V of 1908).	In sub-section (*1*) of section 5 the words "with the previous sanction of the Governor General in Council" and the words "with the sanction aforesaid."	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
		In sections 61, 67 (*1*) and (*2*), 68 and 143 the words "with the previous sanction of the Governor General in Council."	.....	*Ibid.*
		...	In section 125, for the words "as the Governor General in Council may determine" the following was substituted, namely —"as, in the case of the Court of the Judicial Commissioner of Coorg, the Governor General in Council, and, in other cases the Local Government, may determine."	*Ibid.*
		..	For sub-rule (*1*) of rule 5 of Order IX in the First Schedule, the following was substituted, namely :—	Act XXIV of 1920, s. 2.
			"(1) Where, after a summons has been issued to the defendant, or to one of several defendants, and returned unserved, the plaintiff fails, for a period of three months from the date of the return made to the Court by the officer ordinarily certifying to the Court returns made by the serving officers, to apply for the issue of a fresh summons, the Court shall make an order that the suit be dismissed as against such defendant, unless the plaintiff has within the said period satisfied the Court that—	
			(*a*) he has failed after using his best endeavours to discover the residence of the defendant who has not been served, or	
			(*b*) such defendant is avoiding service of process, or	
			(*c*) there is any other sufficient cause for extending the time,	
			in which case the Court may extend the time for making such application for such period as it thinks fit."	

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
95	Code of Civil Procedure, 1908 (V of 1908)—*contd.*		In sub-rule (*1*) of rule 7 of Order XLV of the First Schedule— (*i*) for the words "six months" the following words were substituted, namely :— "ninety days or such further period, not exceeding sixty days, as the Court may upon cause shewn allow ;" (*ii*) after the word "security" the words "in cash or in Government securities" were inserted ; (*iii*) at the end of the sub-rule the following proviso was added, namely :— "Provided that the Court at the time of granting the certificate may, after hearing any opposite party who appears, order on the ground of special hardship that some other form of security may be furnished : Provided further, that no adjournment shall be granted to an opposite party to contest the nature of such security."	Act XXVI of 1920, s. 3.
			After rule 9 of Order XLV of the First Schedule, the following rule was inserted, namely :— Power to dispense with notices in case of deceased parties. "9A. Nothing in these rules requiring any notice to be served on or given to an opposite party or respondent shall be deemed to require any notice to be served on or given to the legal representative of any deceased opposite party or deceased respondent in a case, where such opposite party or respondent did not appear either at the hearing in the Court whose decree is complained of or at any proceedings subsequent to the decree of that Court : Provided that notices under sub-rule (2) of rule 3 and under rule 8 shall be given by affixing the same in some conspicuous place in the court-house of the Judge of the District in which the suit was originally brought, and by publication in such newspapers as the Court may direct."	*Ibid*, s. 4.

1	2	3	4	5
Serial No	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
95	Code of Civil Procedure, 1908 (V of 1908)—*contd.*	...	To rule 15 of Order XLV of the First Schedule, the following sub-rule was added, namely:— "(4) Unless His Majesty in Council is pleased otherwise to direct, no order of His Majesty in Council shall be inoperative on the ground that no notice has been served on or given to the legal representative of any deceased opposite party or deceased respondent in a case, where such opposite party or respondent did not appear either at the hearing in the Court whose decree was complained of or at any proceedings subsequent to the decree of that Court, but such order shall have the same force and effect as if it had been made before the death took place."	Act XXVI of 1920, s. 5.
			Provisions *re* appeals from original decrees to apply so far as may be to appeals under the United Provinces Town Improvement (Appeals) Act, 1920, subject to the provisions of section 3 thereof	Act III of 1920, s. 4.
			An appeal under section 3 of the United Provinces Town Improvement (Appeals) Act, 1920, deemed to be an appeal under the Code within the meaning of Art. 156 of the First Schedule to the Indian Limitation Act, 1908.	*Ibid*, s. 6.
			Words and expressions defined in the Code and used in the Provincial Insolvency Act, 1920, and not defined therein to have the same meaning as given in the said Code.	Act V of 1920, s. 2(2).
			Provisions *re* the signing and verification of plaints extended to insolvency petitions under the Provincial Insolvency Act, 1920.	*Ibid*, s. 12.
			Such particulars as regards property which is exempted by the Code from liability to attachment and sale in execution of a decree not to be included in the contents of an insolvency petition.	*Ibid*, s. 13(*1*) (*e*) (*iii*).
			Procedure *re* admission of plaints in the Code to be followed in the case of insolvency petitions.	*Ibid*, s. 18.
			The *interim* receiver of debtor's property under the Provincial Insolvency Act, 1920, has such of the powers of a receiver appointed under the Code as the Court may direct.	*Ibid*, s. 20.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
95	Code of Civil Procedure, 1908 (V of 1908)—*contd*		Property exempted under the Code from liability to attachment or sale in execution of a decree has similar protection in proceedings against debtor under the Provincial Insolvency Act, 1920, and for the purpose of disposal after order of adjudication, the insolvent's property shall not include particulars so exempted.	Act V of 1920, ss. 21, 28.
			Where in any local area a declaration under section 68 of the Code has been made and is in force, the Receiver appointed under the Provincial Insolvency Act, 1920, shall not sell immoveable property paying revenue to Government or held or let for agricultural purposes.	*Ibid*, s. 60 (*1*).
			On any of the grounds mentioned in section 100 (*1*) of the Code, a second appeal lies to the High Court where any person is aggrieved by a decision of the District Court in exercise of its insolvency jurisdiction.	*Ibid*, 75(*1*).
		...	Signing and verification of petition under section 3 of the Charitable and Religious Trusts Act, 1920, to be in the manner prescribed by the Code for the signing and verification of plaints.	Act XIV of 1920, s. 4(*2*).
			The procedure laid down in the Code for signing and verification of pleadings to be followed in the case of written statements contemplated in section 5 of the Charitable and Religious Trusts Act, 1920.	*Ibid*, s. 5(*2*).
			The previous consent of the Advocate-General is not necessary in a suit against trustee under section 92 of the Code where the trustee has afforded ground for such suit by failure to comply with order under section 5 of the Charitable and Religious Trusts Act, 1920.	*Ibid*, s. 6.
			In any suit instituted under section 92 of the Code, the defendant is liable to furnish security or deposit money out of the fund in his hand and pertaining to the trust to which the suit relates, against plaintiff's costs in suit	*Ibid*, s. 10.
			Certain provisions of the Code to apply to all proceedings under the Charitable and Religious Trusts Act, 1920, and the provisions relating to the service of summonses in the Code to apply to the service of notices under the said Act.	*Ibid*, s. 11.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
95	Code of Civil Procedure, 1908 (V of 1908)—*concld.*	.	Powers of a Court under the Code vested on Commissioners holding an inquiry within the meaning of section 4 of the Indian Elections Offences and Inquiries Act, 1920.	Act XXXIX of 1920, s. 5.
96	Indian Limitation Act, 1908 (IX of 1908).	...	In the third division of the First Schedule, in Articles 176, 178 and 179 for the word "Ditto" in the second column the words "ninety days," "six months" and "ninety days," respectively, were substituted.	Act XXVI of 1920, s. 2.
		...	The provisions of sections 5 and 12 extended to appeals and applications under the Provincial Insolvency Act, 1920, and for the purpose of the said section 12 a decision under section 4 of the Provincial Insolvency Act, 1920, shall be deemed a decree.	Act V of 1920, s. 78 (*1*).
		..	Article 156 of the First Schedule rendered applicable to an appeal under section 3 of the United Provinces Town Improvement (Appeals) Act, 1920.	Act III of 1920, s 6.
97	Indian Criminal Law Amendment Act, 1908 (XIV of 1908).	...	In sub-section (*2*) of section 1, for the words "Governor General in Council" the words "Local Government of any other Province," for the words "Gazette of India" the words "official Gazette," and for the words "any other Province" the words "that Province" were substituted.	Act XXXVIII of 1920, s. 2 and Sch. I.
			In sub-section (*3*) of the same section for the words "Governor General in Council," where they occur in both places, the words "Local Government" were substituted.	*Ibid.*
		In sub-section (*1*) of section 2, the words "to the Governor General in Council or," the words "the Governor General in Council or" and the words "with the previous sanction of the Governor General in Council."	.....	*Ibid.*
		...	In clause (*b*) of section 15 (*2*) and in section 16 for the words "Governor General in Council" wherever they occur, the words "Local Government" were substituted.	*Ibid.*

2	3	4	5
Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
II.—Acts of the Governor General in Council—contd.			
Indian Registration Act, 1908 (XVI of 1908).	In sub-section (*2*) of section 1, the words "with the previous sanction of the Governor General in Council."	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
	In sub-section (*1*) of section 4, the words "with the previous consent of the Governor General in Council."	.....	*Ibid.*
	In sub-section (*1*) of section 4 and in section 78, the words "subject to the control of the Governor General in Council."	.....	*Ibid.*
Indian Emigration Act, 1908 (XVII of 1908).	...	In sections 2(*2*), 27(*2*), 32, 74(*2*) and 77(*2*), for the words "Governor General in Council," wherever they occur, the words "Local Government" were substituted.	*Ibid.*
		In sub-section (*1*) of section 81 for the words "Governor General in Council" the words "Local Government" and for the words "Gazette of India" the words "local official Gazette" were substituted.	*Ibid.*
		In the same sub-section, after clause (*f*), the following was inserted, namely:—	*Ibid.*
		"and (*g*) to provide for the disposal of emigrants who may be landed under section 74.	
		(1-A) The Governor General in Council may, by notification in the Gazette of India, make rules consistent with this Act."	
		In the same sub-section, clauses (*g*), (*h*), (*i*), (*j*), (*k*), (*l*), (*m*), (*o*), (*p*), (*q*), (*r*) and (*s*) were renumbered clauses (i) to (xii), respectively, and in the proviso for the letter and brackets "(*h*)" the figures and brackets "(ii)" and for the words "this section" the words "this sub-section" were substituted.	*Ibid.*
	In sub-section (*1*) of section 81, clause (*n*).	.....	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
100	Presidency Towns Insolvency Act, 1909 (III of 1909).	...	After section 103, the following section was inserted, namely :— " 103-A. (*1*) Where a debtor is adjudged or re-adjudged insolvent under this Act, he shall, subject to the provisions of this section, be disqualified from— Disqualifications of insolvent. (*a*) being appointed or acting as a Magistrate ; (*b*) being elected to any office of any local authority where the appointment to such office is by election, or holding or exercising any such office to which no salary is attached ; and (*c*) being elected or sitting or voting as a member of any local authority. (*2*) The disqualifications which an insolvent is subject to under this section shall be removed, and shall cease if— (*a*) the order of adjudication is annulled under sub-section (*1*) of section 21, or (*b*) he obtains from the Court an order of discharge, whether absolute or conditional, with a certificate that his insolvency was caused by misfortune without any misconduct on his part. (*3*) The Court may grant or refuse such certificate as it thinks fit."	Act XI of 1920, s. 2.
		...	Provisions saved from the operation of the Provincial Insolvency Act, 1920.	Act V of 1920, s. 82 (*a*).
101	Amending (Army) Act, 1909 (V of 1909).	So much of the Schedule as relates to the Indian Volunteers Act, 1869.	.....	Act XLIX of 1920, s. 36 and Sch. II.
102	Indian Volunteers (Amendment) Act, 1909 (VI of 1909).	The whole Act.	.....	*Ibid.*

2	3	4	5
Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
II.—Acts of the Governor General in Council—contd.			
Indian Paper Currency Act, 1910 (II of 1910).		In clause (*a*) of section 2 for the words "or fifty rupees" the words "fifty rupees, or one hundred rupees" were substituted.	Act XLV of 1920, s. 2.
		In section 3 for the words "Department of Paper Currency" the words "Currency Department" were substituted.	*Ibid*, s. 3.
		In section 4 for the words "Head Commissioner of Paper Currency" the words "Controller of the Currency, (hereinafter referred to as the Controller)" were substituted.	*Ibid*, s. 4.
		In section 6— (*a*) sub-section (*1*) was omitted; and (*b*) in sub-section (*2*), the word "other" was omitted, and for the words "Commissioner of Paper Currency" the words "Deputy Controller of the Currency" were substituted.	*Ibid*, s. 5.
		For section 7, the following was substituted, namely :— "7. For the purpose of this Act— (*a*) Deputy Controllers of the Currency shall be subordinate to the Controller; and (*b*) the Currency Agent at any town shall be subordinate to the Deputy Controller of the Currency for the circle of issue in which that town is situate."	*Ibid*, s. 6.
		In sections 9, 10, 23, 24 and 25 for the words "Head Commissioner" wherever they occur, the word "Controller" was substituted.	*Ibid*, s. 7.
		In sections 9 and 10 for the word "Commissioners" wherever it occurs, the words "Deputy Controllers" were substituted.	*Ibid*, s. 8 (*1*).
	In sub-section (*1*) of section 9 the words "and the Currency Agents subordinate to him."	.....	*Ibid*, s. 8 (*2*).
	...	In clause (*a*) of section 11 the word "silver" was inserted before the word "half-rupees."	*Ibid*, s. 9.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
103	Indian Paper Currency Act, 1910 (II of 1910)—*contd.*	..	In section 13— (*a*) for the word "Comptroller-General" the word "Controller" was substituted; and (*b*) for the figures "7·53344" the figures "11·30016" were substituted.	Act XLV of 1920, s. 10.
		Section 14 (with effect from a day to be appointed by the Governor General in Council).	.....	*Ibid*, s. 12 (*9*)(*ii*).
		...	In section 19 :— (*a*) to the opening words were prefixed the following words, namely .—"Save as hereinafter provided in section 19-A." (*b*) the word "silver" was inserted before the word "half-rupees." (*c*) for the words "Government of India" the words "revenues of India" were substituted. (*d*) in the first proviso, for the words "any denominational value not exceeding" the words "the denominational value of fifty or" were substituted, and (*e*) the following was substituted for the second proviso: — "Provided further that all notes which are declared under the first proviso to this section not to be in circulation shall be deemed to have been issued on the credit of the revenues of India, and shall, if subsequently presented for payment, be paid from such revenues."	*Ibid*, s. 11.
			For section 19, the following shall be substituted with effect from a day to be appointed by the	*Ibid*, s. 12 (*9*)(*i*).

1	2	3	4	5
Serial No.	Enactments affected	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
103	Indian Paper Currency Act, 1910 (II of 1910)—*contd*	...	Governor General in Council :—	Act XLV of 1920, s. 12 (9) (*i*).
			"19 (*1*) A Reserve shall be maintained for the satisfaction and discharge of the currency notes in circulation, and all such notes shall be deemed to have been issued on the credit of the revenues of India as well as on that of the Reserve. (Paper Currency Reserve)	
			(*2*) The Reserve shall consist of two parts, namely — (*a*) the metallic Reserve, and (*b*) the securities Reserve.	
			(*3*) The metallic Reserve shall consist of the total amount represented by the sovereigns, half-sovereigns, rupees, silver half-rupees, and gold and silver bullion for the time being held on that account by the Secretary of State for India in Council and by the Governor General in Council :	
			Provided that no amount of gold coin and bullion held by the Secretary of State in the United Kingdom in excess of fifty millions of rupees in value reckoned at the rate hereinafter provided for shall be included in the metallic Reserve.	
			(*4*) The securities Reserve shall consist of the securities which are for the time being held on that account by the Secretary of State for India in Council and on behalf of the Governor General in Council :	
			Provided that— (*a*) no securities held by the Secretary of State for India in Council, other than securities of the United Kingdom the date of maturity of which is not more than one year from the date of their purchase, shall be included in the securities Reserve ; and	
			(*b*) the securities held on behalf of the Governor General in Council shall be securities of the Government of India and shall not exceed in amount two hundred millions of rupees, of which an amount of not more than one hundred and twenty millions of rupees may be securities created by the Government of India and issued	

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
103	Indian Paper Currency Act, 1910 (II of 1910)—*contd.*		to the Controller (such securities being hereinafter referred to as created securities). (5) For the purposes of this section the expression "currency notes in circulation" means the whole amount of currency notes at any time in circulation Provided that currency notes which have not been presented for payment, in the case of notes of the denominational value of fifty or one hundred rupees, within forty years, and in the case of notes of any denominational value exceeding one hundred rupees, within one hundred years, from the first day of April following the date of their issue, shall be deemed to be not in circulation : Provided further that all such notes shall be deemed to have been issued on the credit of the revenues of India and shall, if presented for payment, be paid from such revenues (6) Save as hereinafter provided in section 19-A the amount of currency notes in circulation at any time shall not exceed the amount of the metallic Reserve, together with the amount of the securities Reserve : Provided that it shall not be lawful for the Governor General in Council to direct the issue of currency notes, if or to the extent that such issue would have the effect of raising the amount of notes in circulation to an amount in excess of twice the amount for the time being of the metallic Reserve. (7) For the purpose of determining— (a) the amount of the metallic Reserve, gold bullion shall be reckoned at the rate of one rupee for 11·30016 grains troy of fine gold, and silver bullion at the price in rupees at which it was purchased, (b) the amount of the securities Reserve, purchased securities shall be reckoned at the price at which they were purchased and created securities at the market price of similar securities on the date of their issue."	Act XLV of 1920, s. 12 (9) (i).

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
103	Indian Paper Currency Act, 1910 (II of 1910)—*contd.*	...	After section 19 the following section was inserted, namely :—	Act XLV of 1920, s. 14.
			"19-A. Notwithstanding anything to the contrary in section 19, the Governor General in Council may authorise the Controller to issue currency notes to an amount in all not exceeding fifty millions of rupees against bills of exchange which will mature within ninety days from the date of such issue and satisfy such other conditions as the Governor General in Council may, by general or special order, prescribe. Currency notes so issued shall be in addition to those against which the Reserve is held and shall be deemed to have been issued on the credit of such bills and of the revenues of India and shall, when presented, be paid from such revenues." (Power to issue currency notes against bills of exchange.)	
			For section 21, the following was substituted, namely :—	*Ibid*, s. 15.
			"21. Notwithstanding anything to the contrary in this Act, any coin or bullion which is held by or on behalf of the Secretary of State for India in Council in the United Kingdom or under the control of the Government of any part of His Majesty's Dominions for the purpose of coinage for, or transmission to, the Governor General in Council and any coin or bullion which is in course of transmission from the Secretary of State for India in Council or the Government of any part of His Majesty's Dominions to the Governor General in Council and any coin or bullion which is in the course of transmission from the Governor General in Council to the Secretary of State for India in Council or the Government of any part of His Majesty's Dominions shall be deemed, during the period such coin or bullion is so held or is so in course of transmission, to be part of the Reserve referred to in section 19." (Coin or bullion not in India when deemed to be part of the Reserve.)	

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
103	Indian Paper Currency, Act, 1910 (II of 1910)—*contd.*	...	In section 22 for the words "one hundred and forty millions" the words "eight hundred and fifty millions" were substituted.	Act XLV of 1920, s. 13 (*1*).
		Section 22, Proviso.	.....	*Ibid.*
		Section 22 (with effect from a day to be appointed by the Governor General in Council)	.....	*Ibid*, s. 12 (*9*) (*ii*).
		...	In section 23 for the words "purchased by the Governor General in Council shall be securities of the Government of India and" the words "of the Government of India in the Reserve" shall be substituted, with effect from a day to be appointed by the Governor General in Council.	*Ibid.*
			Notwithstanding anything to the contrary in the Indian Paper Currency Act, 1910, and until the day appointed by the Governor General in Council referred to in section 12(*8*) of the Indian Paper Currency (Amendment) Act, 1920, any securities created by the Government of India and issued to the Controller shall, for purposes of that Act, be deemed to be securities purchased by the Governor General in Council.	*Ibid*, s. 13 (*2*).
			In section 28—	
			(*i*) for the words "Department of Paper Currency" the words "Currency Department" were substituted;	*Ibid*, s. 16.
			(*ii*) in clause (*b*) after the words "held by" the words "or on behalf of" were inserted;	
			(*iii*) after clause (*c*) the following clause was inserted:—	
			"(*d*) the amount of currency notes issued against bills of exchange under the provisions of section 19-A;" and	
			(*iv*) for the words "Head Commissioner," the word "Controller" was substituted.	

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Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
103	Indian Paper Currency Act, 1910 (II of 1910)—*concld.*	...	After section 28 the following section was inserted, namely :— "28-A. Notwithstanding anything contained in any enactment or rule of law to the contrary, no person shall as of right be entitled to recover from the Government of India the value of any lost, mutilated or imperfect currency note Provision as to lost, mutilated and imperfect notes. Provided that the Governor General in Council may by rule prescribe the circumstances, conditions and limitations under which the value of such notes may be refunded as of grace."	Act XLV of 1920, s. 17.
			For clause (*d*) of sub-section (*2*) of section 29 the following clause was substituted, namely :— "(*d*) prescribe the circumstances, conditions and limitations under which the value of lost, mutilated and imperfect currency notes may be refunded at the office of issue."	*Ibid*, s. 18.
104	Dourine Act, 1910 (V of 1910).	...	In section 5 the word "and" at the end of clause (*a*) was omitted ; and after clause (*b*) the following clause was added, namely :— "(*c*) direct, by order in writing, the owner or keeper of any horse which, in the opinion of the Inspectors, is affected with dourine to remove it or permit it to be removed for the purpose of segregation to a place specified in the order, and such direction shall be sufficient authority for the detention of the horse in that place for that purpose."	Act VIII of 1920, s. 2.
		In section 6 the word and letter "clause (*b*)".	.....	*Ibid*, s. 3.
		In section 8 the word and letter "clause (*b*)" in clause (*a*).	.....	*Ibid*, s. 4.

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Serial No.	Enactments affected.	Repeals.	Amendments	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
104	Dourine Act, 1910 (V of 1910)—*contd*	..	In clause (*b*) of section 8— (*a*) after the words "on microscopical examination" the words "or by other scientific test" were inserted; and (*b*) for sub-clause (*ii*) the following was substituted, namely :— "(*ii*) in the case of a mare, with the previous sanction of such authority as the Local Government may appoint in this behalf, or, if so empowered by the Local Government, without such sanction, cause it to be destroyed."	Act VIII of 1920, s. 4.
			In sub-section (*2*) of section 14, for clause (*a*) the following was substituted, namely :— "(*a*) regulate the exercise of the powers conferred on Inspectors under section 5."	*Ibid*, s. 5.
		In sub-section (*2*) of section 14, the word "and" at the end of clause (*b*) and the whole of clause (*c*).	.....	*Ibid.*
		.....	For clauses (*b*) and (*c*) of section 15, the following was substituted, namely:— "(*b*) any horse in respect of which an order under clause (*b*) or clause (*c*) of section 5 is in force.".	*Ibid*, s. 6.
105	Indian Electricity Act, 1910 (IX of 1910).	Sub-section (*3*) of section 3.	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
		In section 10, the words "with the previous sanction of the Governor General in Council"	.....	*Ibid.*
		.....	In sub-section (*2*) of section 32, for the words "Governor General in Council" in both places where they occur the words "Local Government," and for the word "he" the word "it" were substituted.	*Ibid.*

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Serial No.	Enactments affected.	Repeals.	Amendments	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
105	Indian Electricity Act, 1910 (IX of 1910)—*contd.*	... ...	In sub-section (*1*) of section 34, for the words "Governor General in Council" the words "Local Government" were substituted.	Act XXXVIII of 1920, s. 2 and Sch. I.
106	Indian Patents and Designs Act, 1911 (II of 1911.)	...	After section 78, the following heading and section were inserted, namely — "*Reciprocal arrangements with the United Kingdom and other parts of His Majesty's dominions.* Reciprocal arrangements, with the United Kingdom and other parts of His Majesty's dominions. 73A. (*1*) If His Majesty is pleased by Order in Council to apply such of the provisions of section 91 of the Patents and Designs Act, 1907, as relate to inventions or designs, to British India, then any person who has applied for protection for any invention or design in the United Kingdom, shall be entitled to a patent for his invention or to registration of his design under this Act, in priority to other applicants; and the patent or registration shall have the same date as the date of the application in the United Kingdom: Provided that— (*a*) the application is made in the case of a patent within twelve months, and, in the case of a design, within four months from the application for protection in the United Kingdom: and (*b*) nothing in this section shall entitle the patentee or the proprietor of the design to recover damages for infringements happening prior to the actual date on which in the case of a patent, his application is accepted, or, in the case of a design, the design is registered, in British India.	Act XXIX of 1920, s. 2.

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Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
106	Indian Patents and Designs Act, 1911 (II of 1911)—*contd.*	...	(2) The patent granted for an invention or the registration of a design shall not be invalidated— (a) in the case of a patent, by reason only of the publication of a description of, or use of, the invention, or (b) in the case of a design, by reason only of the exhibition or use of, or the publication of a description or representation of the design, in British India during the period specified in this section as that within which the application may be made. (3) The application for the grant of a patent or the registration of a design under this section must be made in the same manner as an ordinary application under this Act Provided that, in the case of a patent, if the application is not accepted within twelve months from the date of the application for protection in the United Kingdom, the specification and the drawings (if any) supplied therewith shall be open to public inspection at the expiration of that period. (4) Where it is made to appear to the Governor General in Council that the legislature of any other part of His Majesty's dominions has made satisfactory provision for the protection of inventions or designs, patented or registered in British India, the Governor General in Council may, by notification in the Gazette of India, direct that the provisions of this section, with such variations or additions, if any, as may be set out in such notification, shall apply for the protection of inventions or designs patented or registered in that part of His Majesty's dominions."	Act XXIX of 1920, s. 2.
		Section 81.	.....	Act XXXI of 1920, s. 3 and Sch. II.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
107	Criminal Tribes Act, 1911 (III of 1911).	...	For section 11, the following section was substituted, namely :— "11. (*1*) If the Local Government considers that it is expedient that any criminal tribe should be— Power to restrict movements of, or settle criminal tribes. (*a*) restricted in its movements to any specified area, or (*b*) settled in any place of residence, the Local Government may, by notification in the local official Gazette, declare that such criminal tribe shall be restricted in its movements to the area specified in the notification, or shall be settled in the place of residence so specified, as the case may be. (*2*) Before making any such declaration, the Local Government shall consider the following matters, namely :— (*i*) the nature and the circumstances of the offences in which the members of the criminal tribe are believed to have been concerned ; (*ii*) whether the criminal tribe follows any lawful occupation, and whether such occupation is its real occupation or merely a pretence for the purpose of facilitating the commission of crimes ; (*iii*) the suitability of the area to which it is proposed to restrict the movements of the criminal tribe, or of the place of residence in which it is proposed to settle it; and (*iv*) the manner in which it is proposed that the criminal tribe shall earn its living within the restricted area or in the settlement, and the adequacy of the arrangements which are proposed therefor."	Act XXXVIII of 1920, s. 2 and Sch. I.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
107	Criminal Tribes Act, 1911 (III of 1911) --*contd.*	Section 12.	... ..	Act XXXVIII of 1920, s 2 and Sch. I.
		...	In sections 13, 16, 17 (*1*), 20 (*2*) (*e*) and 28, for the word and figures "section 12" the word and figures "section 11" were substituted.	*Ibid.*
			In section 19 for the words "Governor General in Council" the words "Local Government" were substituted, and for the words "in any part of British India" the following was substituted, namely :—	*Ibid.*
			"in the province, or, with the previous consent of the Local Government of any other province, in such other province."	
108	Indian Army Act, 1911 (VIII of 1911).		In sub-section (*2*) of section 20— ...	Act XXXVII of 1920, s. 2.
			for the words "Imprisonment in military custody may be specified as such a minor punishment" the words "Imprisonment in military custody and, in the case of persons subject to this Act on active service, any prescribed field punishment may be specified as minor punishments" were substituted; and	
			in clause (*a*) after the word "imprisonment" the words "or field punishments" were inserted.	
			In section 24—	*Ibid*, s. 3.
			to sub-section (*1*) the words "He may at any time arrest and detain for trial any person subject to this Act who commits an offence and may also carry into effect any punishments to be inflicted in pursuance of the sentence of a court-martial" were added; and	
			for sub-sections (*2*) and (*3*) the following sub-section was substituted, namely :—	
			"(*2*) A provost-marshal may punish with any punishment mentioned in section 22, sub-	

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Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
108	Indian Army Act, 1911 (VIII of 1911)—*contd.*	...	section (*1*), clause (*b*) any follower who is subject to this Act under section 2, sub-section (*1*), clause (*c*), and is a menial servant and who on active service and in his view, or in the view of any of his assistants, commits any breach of good order and military discipline."	
			In section 41—	Act XXXVII of 1920, s. 4.
			in clause (*a*) after the word "punishment," and	
			in clause (*b*) after the word "punishment," where it first occurs,	
			the words "other than whipping" were inserted.	
			For section 45 the following section was substituted, namely:—	*Ibid*, s. 5.
			"45. Where any person, subject to this Act and under the rank of Warrant Officer, on active service is guilty of any offence, it shall be lawful for a court-martial to award for that offence any such punishment, other than flogging as may be prescribed as a field punishment. Field punishment shall be of the character of personal restraint or of hard labour, but shall not be of a nature to cause injury to life or limb." (Field punishment.)	
			In sections 46 and 49 for the words "corporal punishment" the words "field punishment" were substituted.	*Ibid*, s. 6.
			In section 50—	*Ibid*, s. 7.
			to clause (*a*) the words "or of field punishment awarded by a court-martial or such officer" were added; and	
			in clause (*b*) after the word "imprisonment" the words "or field punishment" were inserted.	

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Serial No.	Enactments affected	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
108	Indian Army Act, 1911 (VIII of 1911)—*contd.*	...	For section 67 the following section was substituted, namely:— "67. No trial by court-martial of any person subject to this Act for any offence (other than an offence of mutiny, desertion or fraudulent enrolment) shall be commenced after the expiration of three years from the date of such offence, and no such trial for an offence of desertion (other than desertion on active service) or of fraudulent enrolment shall be commenced if the person in question has, subsequently to the commission of the offence, served continuously in an exemplary manner for not less than three years with any portion of His Majesty's regular forces. Limitation of trial. *Explanation.*—For the purposes of this section, 'mutiny' means any of the offences specified in clauses (*a*), (*b*) & (*c*) of section 27."	Act XXXVII of 1920, s. 8.
		Section 111.	.....	*Ibid*, s. 10.
		...	After clause (*b*) of sub-section (*2*) of section 113 the following clause was inserted, namely:— "(*bb*) the specification of the punishments which may be awarded as field punishments under sections 20 and 45."	*Ibid*, s. 9.
		...	In section 116 after the words "becoming insane" the following was added, namely:— "or, who, being on active service, is officially reported missing: Provided that, in the case of a person so reported missing, no action shall be taken under sub-sections (*2*) to (*5*), inclusive, of the said section, until one year has elapsed from the date of such report."	Act II of 1920, s. 2.
		...	Provisions of the Indian Army (Suspension of Sentences) Act, 1920, to be construed as supplementing the existing powers provided in the Indian Army Act, 1911, of mitigating or otherwise modifying sentences, while the status of a superior military authority contemplated by section 112 remains unaffected.	Act XX of 1920, s. 8.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendment.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
108	Indian Army Act, 1911 (VIII of 1911)—*concld.*	...	Provisions extended to commissioned officers of the Indian Territorial Force when doing duty as such, and also to non-commissioned officers and men of the said Force under certain circumstances.	Act XLVIII of 1920, s. 11.
109	Indian Forest Amendment Act, 1911 (XV of 1911).	Section 4 and clauses (*a*) and (*c*) of section 5.	.....	Act XXXVIII of 1920, s. 3 and Sch. II.
110	Co-operative Societies Act, 1912 (II of 1912).	...	Section 28 was re-numbered section 28 (*1*)	*Ibid*, s. 2 and Sch. I.
		In section 28 the letter and brackets "(*a*)" and the whole of clauses (*b*) and (*c*).	.....	*Ibid*
		...	To the same section the following sub-section was added, namely:— "(*2*) The Local Government, by notification in the local official Gazette, may, in case of any registered society, or class of registered society, remit— (*a*) the stamp-duty with which, under any law for the time being in force, instruments executed by or on behalf of a registered society or by an officer or member and relating to the business of such society, or any class of such instruments, are respectively chargeable, and (*b*) any fee payable under the law of registration for the time being in force."	*Ibid.*
111	Indian Lunacy Act, 1912 (IV of 1912).	...	In sub-section (*1*) of section 35, for the words from "Any lunatic" to "Governor General in Council" the following was substituted, namely:— "Any lunatic may, in accordance with any general or special order of the Local	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
		II.—Acts of the Governor General in Council—contd.		
111	Indian Lunacy Act, 1912 (IV of 1912)—*contd.*	...	Government, be removed from any asylum established by Government to any other asylum within the province, or to any other asylum in any other province, with the consent of the Local Government of that province."	
			In sub-section (*2*) of the same section, for the words "Governor General in Council" the words "Local Government" and for the word "he" where it first occurs, the word "it" were substituted; and in the same sub-section for the words "in British India" the following was substituted, namely :— "in the province, or to any asylum, jail or other place of safety in any other province with the consent of the Local Government of that province."	Act XXXVIII of 1920, s. 2 and Sch. I.
			For section 85, the following section was substituted, namely :— "85. The Magistrates or Courts exercising jurisdiction in any province may send lunatics or any class of lunatics to any asylum situate in any other province in accordance with any general or special order of the Local Government made in that behalf with the consent of the Local Government of such other province."	*Ibid.*
		In sub-section (*1*) of section 91, the words "subject to the control of the Governor General in Council."	.....	*Ibid.*
		...	In section 99 for the words "Governor General in Council" the words "Local Government" and for the words "British India" the words "the province" were substituted.	*Ibid.*
112	Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912).	The proviso to section 3.	.....	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
113	Indian Companies Act, 1913 (VII of 1913).	..	In sub-section (*3*) of section 11 after the word "Royal" the words "Bank of Bengal," "Bank of Madras", "Bank of Bombay" were inserted.	Act XLVIII of 1920, s. 33.
		...	To section 91B, the following sub-section was added, namely :— "(*3*) This section shall not apply to a private Company."	Act XLII of 1920, s. 2
		..	Any company formed for the purpose of carrying on banking and registered under the Act is a banking company within the meaning of section 13 of the Imperial Bank of India Act, 1920.	Act XLVII, s. 13.
		..	The references in sections 188, 189 and 289 to the Presidency Banks shall be deemed to be references to the Imperial Bank of India.	*Ibid*, s. 32(*1*).
114	Decentralization Act, 1914 (IV of 1914).	The entry relating to Act III of 1907 in Schedule I, Part I.	.....	Act V of 1920, s. 83 and Sch. III.
		So much of the Schedule as relates to Act III of 1879, Act IV of 1904, and Act XIII of 1908.	.. ...	Act XXXI of 1920, s. 3 and Sch. II.
		In Part I of the Schedule— the entries relating to— section 75 of Act VIII of 1873, section 14 of Act IX of 1874, sections 4 and 5 of Act XIII of 1880,	.....	Act XXXVIII of 1920, s. 3 and Sch. II.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
114	Decentralization Act, 1914 (IV of 1914)—*contd.*	In Part I of the Schedule— the entries relating to— section 4 of Act XII of 1887, section 55 of Act I of 1894, and sections 14 and 78 of Act XVI of 1908; in the entry relating to section 36 of Act IX of 1874, the words "subject to the control of the Governor General in Council"; in the entry relating to section 36, sub-section (2) of Act XX of 1883, the words "Subject to the control of the"; and in the entry relating to section 55 of the same Act, the words from "and to the section" to the end of the entry.	.....	Act XXXVIII of 1920, s. 3 and Sch. II.
115	Indian Motor Vehicles Act, 1914 (VIII of 1914).	...	In sub-section (2) of section 11 after clause (*d*) the following clause was inserted, namely :— "(*dd*) prescribing the authority by which, and the conditions and limitations subject to which, licences may be suspended or cancelled";	Act XXVII of 1920, s. 2.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
115	Indian Motor Vehicles Act, 1914 (VIII of 1914)—*contd.*	...	After sub-section (*1*) of section 18 the following sub-section was inserted, namely — "(*1A*) The prescribed authority may, subject to such conditions and limitations as may be prescribed, cancel or suspend any licence granted under this Act."	Act XXVII of 1920, s. 3.
116	Local Authorities Loans Act, 1914 (IX of 1914).	...	To sub-section (*1*) of section 3, the following further proviso was added, namely :— "Provided further that, in the case of loans other than loans made by the Local Government, no amount exceeding twenty-five lakhs of rupees shall be borrowed unless the terms, including the date of flotation, of such loan have been approved by the Governor General in Council."	Act XXXVIII, of 1920, s. 2 and Sch. I.
			In sub-section (*1*) of section 4, for the words "Governor General in Council", where they first occur, the words "Local Government" were substituted.	*Ibid.*
		In sub-section (*1*) of section 4, in clause (*vi*) the words from "without" to the end of the clause.	.....	*Ibid.*
		...	In the same sub-section for clause (*vii*) the following was substituted, namely :— "(*vii*) the cases in which local authorities may take loans from persons other than the Local Government."	*Ibid.*
		Sub-section (*2*) of section 4, and in sub-section (*3*) the words from "in the Gazette of India" to "delegated power."	.....	*Ibid.*
117	Repealing and Amending Act, 1914 (X of 1914).	The entries relating to Act III of 1907 in Schedule I.	.....	Act V of 1920, s. 83 and Sch. III.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
117	Repealing and Amending Act, 1914 (X of 1914)—*contd.*	So much of the First and Second Schedules as relates to the Indian Securities Act, 1886.	...	Act X of 1920, s. 25.
		In the First Schedule, the entry relating to Act XV of 1872.	.....	Act XXXVIII of 1920, s. 3 and Sch. II.
		...	In the First Schedule, for the short title "The Indian Airships Act, 1911," in the third column against Act XVII of 1911, the following was substituted, namely :—"The Indian Aircraft Act, 1911."	Act XXXI of 1920, s. 2 and Sch. I.
		So much of the Second Schedule as relates to Act III of 1879.	.....	*Ibid*, s. 3 and Sch. II.
118	Second Repealing and Amending Act, 1914 (XVII of 1914).	...	In the Second Schedule, for the short title "The Indian Airships Act, 1911," in the third column against Act XVII of 1911, the following was substituted, namely :—"The Indian Aircraft Act, 1911."	Act XXXI of 1920, s. 2 and Sch. I.
119	Emergency Legislation Continuance Act, 1915 (I of 1915).	So much of the Schedule as relates to the Indian Volunteers Ordinance, 1914.	.....	Act XLIX of 1920, s. 36 and Sch. II.
120	Indian Patents and Designs (Temporary Rules) Act, 1915 (VI of 1915).	...	In sub-section (*3*) of section 1 for the words "six months" the words "one year and six months" were substituted.	Act XXVIII of 1920, s. 2.
121	Presidency Bank (Amendment) Act, 1916 (VIII of 1916).	The whole Act.	.....	Act XLVII of 1920, s. 34 and Sch. III.
122	Import and Export of Goods Act, 1916 (XI of 1916).	...	In sub-section (*3*) of section 1 for the words "during the continuance of the present war, and for a period of six months thereafter" the words "up to the 31st day of March 1921," were substituted.	Act XIII of 1920, s. 2.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II—Acts of the Governor General in Council—contd.			
123	Inland Steam-vessels Act, 1917 (I of 1917).	In sub-section (*1*) of section 19, the words "with the previous sanction of the Governor General in Council."	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
		...	After section 22, the following section was inserted, namely :—	Act VI of 1920, s. 2.
			"22 A. (*1*) The Local Government may also, in its discretion, grant—	
			(*a*) to a person who is in possession of a second class master's certificate granted under section 21 or section 22, and has, by virtue of such certificate, acted as master of an inland steam-vessel having engines of forty or more nominal horse-power for a period of not less than five years, or	
			(*b*) to a person who is in possession of a first class engine-driver's certificate granted under section 21 or section 22, or an engine-driver's certificate granted under the Indian Steam-ships Act, 1884, and has, by virtue of such certificate, served as an engine-driver of an inland steam-vessel having engines of not less than seventy nominal horse-power for five years, for not less than two and a half years of which period he has been the engine-driver of such vessel within the meaning of section 26,	
			a licence authorising such person to act as master or engineer, as the case may be, of any inland steam-vessel having engines of one hundred and seventy nominal horse-power or of such less nominal horse-power as to such Government may deem fit.	
			(*2*) Any such licence shall remain in force only for such time as the person holding the same is in possession of and entitled to a master's or an engine-driver's certificate, as the case may be, of the nature referred in sub-section (*1*) :	
			Provided that the Local Government may, in its discretion, suspend, cancel or vary the conditions of any such licence "	

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
123	Inland Steam-vessels Act, 1917 (I of 1917)—*contd.*	...	In section 23, after the word "service" the words "and every licence" were inserted, and after the words "entitled to the certificate" the words "or licence" were inserted.	Act VI of 1920, s. 3.
			In section 24, after the word "certificate" in each place where it occurs, the words "or licence" were inserted.	*Ibid*, s. 4.
			In section 25—	*Ibid*, s. 5.
			for the word "eighty" the words "one hundred" were substituted;	
			in clause (*a*), after the words and figures "Merchant Shipping Act, 1894," the following words were inserted, namely:—	
			"or a master's licence granted under section 22 A and applicable to such vessel and voyage."	
			at the end of clause (*b*), the following words were added, namely.—	
			"or an engine-driver's licence granted under section 22A and applicable to such vessel and voyage."	
			In section 26, for the word "thirty" the word "forty," and for the word "eighty" the words "one hundred," were substituted.	*Ibid*, s. 6.
			In section 27, for the word "thirty" the word "forty" was substituted.	*Ibid*, s. 7.
			After section 30 the following section was inserted, namely:—	*Ibid*, s. 8.
			"30 A. The Local Government may also make rules to regulate the granting of licences under section 22A, and may by such rules prescribe in particular—	
			(*a*) the fees (if any) to be paid for such licences, and	
			(*b*) the forms in which such licences are to be framed and the authority by whom and the manner in which copies are to be kept and recorded under section 23."	

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
123	Inland Steam-vessels Act, 1917 (I of 1917)—*concld.*	...	In section 31, after the word "service" where it first occurs the words "and licences" were inserted.	Act VI of 1920, s. 9(1).
			In clause (*ii*) of section 31, after the word "serang" the words "and a licence" were inserted.	*Ibid*, s. 9 (2).
			In the provisos to section 31, after the word "certificate" in each place where it occurs, the words "or licence" were inserted.	*Ibid*, s. 9 (3).
			In clause (*a*) of section 59, after the words "engine-driver's certificate" the words "or a master's or engine-driver's licence" were inserted.	*Ibid*, s. 10 (1).
			In clause (*b*) of section 59, after the words "such certificate" the words "or licence" were added.	*Ibid*, s. 10 (2).
124	Indian Defence Force Act, 1917 (III of 1917).	The whole Act.	.....	Act XLIX of 1920, s 36 and Sch. II.
125	Indian Army (Suspension of Sentences) Act, 1917 (IV of 1917).	The whole Act.	.....	Act XX of 1920, s. 10.
126	Super-tax Act, 1917 (VIII of 1917).	The whole Act.	.....	Act XIX of 1920, s. 8.
127	Indian Paper Currency (Temporary Amendment) Act, 1917 (XI of 1917).	The whole Act.	.....	Act XXI of 1920, s. 7 and Sch.
128	Post Office Cash Certificates Act, 1917 (XVIII of 1917).	...	In sub-section (*1*) of section 2, for the words "the Post Master General for the area in which the post office of issue is situate" the words "an officer of the Post Office authorised by general or special order of the Governor General in Council in that behalf" were substituted.	Act XXXII of 1920, s. 2.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
128	Post Office Cash Certificates Act, 1917 (XVIII of 1917.)—*contd.*	...	In sub-section (*1*) of section 3, after the words "in such a Bank" the following words were inserted, namely :— "and as if for the words 'three thousand' in sections 4 and 8 of the said Act the words 'five thousand' were substituted."	Act XXXII of 1920, s. 3.
129	Indian Paper Currency (Amendment) Act, 1917 (XIX of 1917).	In the title and preamble the words and figures "and the Indian Paper Currency (Temporary Amendment) Act, 1917," and sub-section (*2*) of section 1, and sections 2, 6, 7 and 9.	.....	Act XXI of 1920, s. 7 and Sch.
130	Cinematograph Act, 1918 (II of 1918).	...	In sub-section (*3*) of section 1, for the words "Governor General in Council" the words "Local Government" and for the words "Gazette of India" the words "local official Gazette" were substituted.	Act XXXVIII of 1920, s. 2 and Sch. I.
			In sub-section (*1*) of section 8, for the words "Governor General in Council" the words "Local Government" were substituted.	*Ibid.*
		Sub-section (*3*) of section 8; and in sub-section (*4*), the words "Gazette of India or" and the words "as the case may be."	.....	*Ibid.*
131	Indian Income-tax Act, 1918 (VII of 1918).	...	In section 2 after clause (*12*), the following clause was inserted, namely :— "(*12A*). "Registered firm" means a firm constituted under an instrument of partnership specifying the individual shares of the partners of which the prescribed particulars have been registered with the Collector in the prescribed manner."	Act XVII of 1920, s. 2.
			In sub-section (*2*) of section 3 after clause (*ix*), the following clause was inserted, namely :— "(*x*) Agricultural income."	*Ibid*, s. 3.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—contd.			
131	Indian Income-tax Act, 1918 (VII of 1918). —*concld.*	Section 4.	.....	Act XVII of 1920, s. 6 and Sch.
		In section 6, the words— "(*i*) any salary not exceeding five hundred rupees *per mensem* received by any member of His Majesty's Forces, or of His Majesty's Indian Forces, as the pay of an appointment which is ordinarily reserved exclusively for members of those Forces or (*ii*)."	.....	*Ibid.*
		In section 8, the words and figures "and section 9."	.....	Act XLIV of 1920, s. 2.
		In sub-section (*2*), clause (*i*) of section 9, the words "or where the premises are owned by the assessee the *bona fide* annual value thereof."	.....	*Ibid*, s. 3.
		In section 11, the words, "with the exception of agricultural income."	.....	Act XVII of 1920, s. 6 and Sch.
		In section 13, the words "salaries and,"	.....	*Ibid.*
		...	In section 8 before the words "house property" where they occur for the second time the word "residential" was inserted, and in the proviso to the same section for the words "house property" the words "the property" were substituted.	Act XLIV of 1920, s. 2.
			In clause (*v*) of sub-section (*2*) of section 9 the word "such" was inserted before the word "buildings"; and in clause (*viii*) of the same sub-section for the word "premises" the words "such part of the premises as is used for the purposes of the business" were substituted.	*Ibid.*

1	2	3	4	5
Seiral No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council.—contd.			
131	Indian Income-tax Act, 1918 (VII of 1918). —*contd.*	...	For the proviso to sub-section (*2*) of section 14 the following was substituted, namely.— "Provided that, where the assessee is a company or a registered firm and the taxable income of such company or firm is two thousand rupees or upwards, income-tax shall be levied at the maximum rate specified in Schedule I."	Act XVII of 1920, s. 4.
			In Chapter I after section 14 the following section was inserted, namely:— "14A. (*1*) Where owing to the fact that the total income of any person has reached or exceeded a certain limit, he is liable to pay income-tax at a higher rate, the amount of income-tax payable by him shall, where necessary, be reduced so as not to exceed the aggregate of the following amounts, namely:— (*a*) the amount which would have been payable if his total income had been a sum less by one rupee than that limit, and (*b*) the amount by which his total income exceeds that sum. (*2*) The income-tax payable by any person shall in no case exceed the amount by which his taxable income is greater than two thousand rupees."	*Ibid* s. 5.
		In section 53, the second proviso.	...	*Ibid*, s. 6.
		...	Method of computing taxable income laid down in Chapter I applicable to the Super-tax Act, 1920 subject to certain modifications.	Act XIX of 1920, s. 3.
			Sections 19 to 23, 25 to 27, Chapters IV and V, sections 42 and 45 to 52 shall, so far as may be, apply in the case of super-tax as if that tax and also, in the case of section 25, as if any tax due under the Super-tax Act, 1917, were income-tax chargeable under the Indian Income-tax Act, 1918: Provided that, in applying the said provisions, the word "prescribed" shall be deemed to mean prescribed by rules made under the Super-tax Act, 1920, or by rules made under the Indian Income-tax Act, 1918, and applied with or without modification under the provisions of the Super-tax Act, 1920.	*Ibid*, s. 6.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council.—contd.			
132	Indian Defence Force (Amendment) Act, 1918 (VIII of 1918).	The whole Act.	.....	Act XLIX of 1920, s. 36 and Sch. II.
133	Indian Paper Currency Act, 1918 (XIII of 1918).	The whole Act.	.....	Act XXI of 1920, s. 7 and Sch.
134	Indian Army (Suspension of Sentences) Amendment Act, 1918 (XVIII of 1918).	The whole Act.	.....	Act XX of 1920, s. 10.
135	Indian Defence Force (Foreign Service) Amendment Act, 1918 (XXI of 1918).	The whole Act.	.....	Act XLIX of 1920, s. 36 and Sch. II.
136	Local Authorities Pensions and Gratuities Act, 1919 (I of 1919).	...	In sub-section (*1*) of section 4, for the words "Governor General in Council", where they occur for the second time, the words "Local Government" were substituted.	Act XXXVIII of 1920, s. 2 and Sch. I.
137	Indian Defence Force (Amendment) Act, 1919 (VII of 1919).	The whole Act.	.....	Act XLIX of 1920, s. 36 and Sch. II.
138	Poisons Act, 1919 (XII of 1919).	...	In sub-section (*1*) of section 4, for the words "with the previous sanction" the words "subject to the control" were substituted. In sub-section (*1*) of section 8, for the words "the Governor General in Council, or" the word "and" was substituted.	Act XXXVIII of 1920, s. 2 and Sch. I. *Ibid.*
139	Repealing and Amending Act, 1919 (XVIII of 1919).	In the Second Schedule, the entry relating to Act IV of 1912.	.....	*Ibid*, s. 3 and Sch. II.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	II.—Acts of the Governor General in Council—concld.			
140	Indian Paper Currency (Further Amendment) Act, 1919 (XXVI of 1919).	The whole Act.	.....	Act XXI of 1920, s. 7 and Sch.
141	Provincial Insolvency Act, 1920 (V of 1920).	In section 81, the words "with the previous sanction of the Governor General in Council."	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
142	Indian Securities Act, 1920 (X of 1920).	...	Government Securities as defined in the Indian Securities Act, 1920 and held in Aligarh Muslim University's reserve funds to be reckoned at their face value for purposes of section 7 of the Aligarh Muslim University Act, 1920.	Act XL of 1920, s. 7.
143	Dacca University Act, 1920 (XVIII of 1920).	...	In section 45, for the words from "Every such arbitration" to the end of the section the following was substituted, namely:—"Every such request shall be deemed to be a submission to arbitration upon the terms of this section, within the meaning of the Indian Arbitration Act, 1899, and all the provisions of that Act, with the exception of section 2 thereof, shall apply accordingly."	Act XXXI of 1920, s. 2 and Sch. I.
			In sub-section (*1*) of section 46, for the words "a pension or provident fund" the following was substituted, namely:—"such pension and provident funds as it may deem fit."	*Ibid.*
144	Super-tax Act, 1920 (XIX of 1920).	...	In clause (*1*) of the Schedule for the words "Where the taxable income does not exceed one lakh of rupees" the words "In respect of the first lakh of rupees of taxable income" were substituted, and shall be deemed to have been substituted with effect from the commencement of the Super-tax Act, 1920.	*Ibid.*
145	Indian Paper Currency (Temporary Amendment) Act, 1920, (XXI of 1920).	The whole Act.	.....	Act XLV of 1920, s. 19.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	III.—Regulations made by the Governor General in Council.			
146	Assam Frontier Tracts Regulation, 1880 (II of 1880).	..	In section 1, for the words "the Governor General in Council." where they occur in both places, the word "he" and for the words "Gazette of India" the words "local Gazette" were substituted.	Act XXXVIII of 1920, s 2 and Sch. I.
		In section 2, the words "with the previous sanction of the Governor General in Council"	.....	*Ibid.*
147	Assam Frontier Tracts Regulation, 1884 (III of 1884).	..	In section 1, for the words "Governor General in Council," where they occur in both places, the words "Chief Commissionor" were substituted.	*Ibid.*
148	Assam Land and Revenue Regulation, 1886 (I of 1886).	In section 1 (*2*) and 18, the words "with the previous sanction of the Governor General in Council" wherever they occur.	... ..	*Ibid.*
		...	In proviso (*a*) to section 34, for the words "Governor General in Council" the words "Chief Commissioner" were substituted.	*Ibid.*
		In sections 122, 124 and 158 (*1*), the words "subject to the control of the Governor General in Council."	.....	*Ibid.*
		In sub-section (*1*) of section 139, the words "subject to such rules as the Governor General in Council may make in this behalf."	.....	*Ibid.*
		Sub-section (*3*) of section 157.	.....	*Ibid.*
149	Upper Burma Ruby Regulation, 1887 (XII of 1887).	In section 14, the words "with the previous sanction of the Governor General in Council."	.....	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	III.—Regulations made by the Governor General in Council—contd.			
150	Upper Burma Land and Revenue Regulation, 1889 (III of 1889).	In sub-sections (*2*) and (*3*) of section 27 the words "subject to the control of the Governor General in Council."	.....	Act XXXVIII of 1920, s. 2 and Sch I.
		In sub-section (*1*) of section 51, the words "to the control of the Governor General in Council and."	.....	*Ibid.*
151	Assam Forest Regulation, 1891 (VII of 1891).	...	In section 21, for the words "Governor General in Council" the words "Local Government" were substituted.	*Ibid.*
152	Upper Burma Criminal Justice Regulation, 1892 (V of 1892).	...	In section 1 of the Schedule, for the words "Governor General in Council" the words "Local Government" were substituted.	*Ibid.*
		In sub-section (*2*) of section 12 of the Schedule the words "The Governor General in Council or."	.....	*Ibid.*
153	Upper Burma Civil Courts Regulation, 1896 (I of 1896).	...	In sub-section (*1*) of section 17, for the words "Governor General in Council" the words "Local Government" were substituted.	*Ibid.*
154	British Baluchistan Civil Justice Regulation, 1896 (IX of 1896).	...	In sub-section (*1*) of section 4, for the words "the first, second and third grades," the words "the first and second grades and of the first-mentioned class of the third grade" were substituted; and In sub-section (*2*) after the word "Courts" the words "of the second-mentioned class of the third grade and" were inserted.	Reg. II of 1920, s 2.
		In section 5 the words "with the previous sanction of the Governor General in Council" where they occur in both places.	.....	*Ibid*, s. 3.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	III.—Regulations made by the Governor General in Council—contd.			
154	British Baluchistan Civil Justice Regulation, 1896 (IX of 1896) —*contd.*	...	To section 6 the following proviso was added, namely :— "Provided that the Chief Commissioner may, by notification in the Gazette of India, direct— (1) that the Court of any specified Assistant Commissioner or Extra Assistant Commissioner shall under this section have jurisdiction limited to that exercised by the Court of a Tahsildar or Munsif; or (2) that the Court of any specified Tahsildar or Munsif shall have jurisdiction limited to that exercised by the Court of a Naib-tahsildar."	Reg. II of 1920, s. 4.
			After section 6 the following section was inserted, namely :— "6A. Every Assistant Commissioner or Extra Assistant Commissioner in respect of whose Court an order under the proviso to section 6 is in force shall, for all the purposes of this Regulation, be deemed to be a Tahsildar; and every Tahsildar or Munsif in respect of whom such an order is in force shall, for the like purposes, be deemed to be a Naib-tahsildar."	*Ibid*, s. 5.
155	Coorg Land and Revenue Regulation, 1899 (I of 1899).	...	In sections 6 (2) and 7 for the words "Governor General in Council," wherever they occur, the words "Chief Commissioner," were substituted.	Act XXXVIII of 1920, s. 2 and Sch. I.
156	Chittagong Hill-tracts Regulation, 1900 (I of 1900).	In sections 2 (2) and 4 (2) the words "with the previous sanction of the Governor General in Council."	.....	*Ibid.*
		...	In sections 5, 6, 7, 10, 11, 12, 13, 14, 15 and 17 for the word "Superintendent," wherever it occurs, the words "Deputy Commissioner" were substituted.	Reg. IV of 1920, s. 2.
			In section 5 for the words "Assistant Superintendents" the words "Deputy Magistrates and Deputy Collectors" were substituted.	*Ibid*, s. 3.
			In section 6, for the words "Assistant Superintendent" the words "Deputy Magistrate and Deputy Collector or Sub-Deputy Magistrate and Sub-Deputy Collector" were substituted.	*Ibid*, s. 4.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	III.—Regulations made by the Governor General in Council—concld.			
156	Chittagong Hill-tracts Regulation, 1900 (I of 1900)—*concld.*	...	In sub-section (*1*) of section 17 for the words "an Assistant Superintendent" the words "a Deputy Magistrate and Deputy Collector or a Sub-Deputy Magistrate and Sub-Deputy Collector" were substituted.	Reg. IV of 1920, s. 5.
		The last entry in the fifth column of the Schedule.	.....	*Ibid*, s. 6.
157	Coorg Courts Regulation, 1901 (I of 1901).	...	In section 3, after the words "Judicial Commissioner" the words "and the Chief Commissioner may appoint" were inserted.	Act XXXVIII of 1920, s. 2 and Sch. I.
		In section 18, the words "with the previous approval of the Governor General in Council."	.....	*Ibid.*
158	Coorg Noxious Weeds Regulation, 1914 (I of 1914).	The whole Regulation.	.....	Reg. III of 1920, s. 2.
159	Excise Regulation, 1915 (I of 1915).	In sections 4 and 8, the words "with the previous sanction of the Governor General in Council."	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
		...	To section 4, the following proviso was added, namely :— "Provided that, where the interests of any other Province may be affected, no such declaration shall be made without the previous sanction of the Governor General in Council."	*Ibid.*
			To section 8, the following proviso was added, namely :— "Provided that, where the interests of any other Province may be affected, no notification shall be issued under clause (*a*) without the previous sanction of the Governor General in Council."	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	IV.—Ordinances made by the Governor General under section 72 of the Government of India Act, 1915.			
160	Rouble Note Ordinance, 1920 (II of 1920).	The whole Ordinance.	.....	Act XXX of 1920, s. 6.
161	Gold Ordinance, 1920 (III of 1920).	The whole Ordinance.	.....	Act XXXVI of 1920, s. 3.
	V.—Acts of the Governor of Fort St. George in Council.			
162	Local Authorities Loan Act, 1888 (I of 1888).	In section 3, the words "with the previous sanction of the Governor General in Council."	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
163	Madras Court of Wards Act 1902 (I of 1902).	In sub-section (*1*) of section 45 the words "with the previous sanction of the Governor General in Council."	.....	*Ibid.*
164	Madras City Municipal Act, 1919 (IV of 1919).	...	In section 15, proviso (*a*), section 88, proviso (*a*), section 95, second proviso and sections 144 and 145, for the words "Governor General in Council" the words "Governor in Council" were substituted.	*Ibid.*
		In section 48, the words "with the sanction of the Governor General in Council."	.....	*Ibid.*
		In clauses (*i*) and (*ii*) of the proviso to section 142(*1*) the words from "or if the loan" to "Governor General in Council."	.....	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	V.—Acts of the Governor of Fort St. George in Council—concld.			
164	Madras City Municipal Act, 1919 (IV of 1919)—*contd.*	...	To the proviso to section 142(*1*) the following was added, namely .— "(*iii*) no loan exceeding in amount twenty-five lakhs of rupees shall be raised unless the terms, including the date of flotation, of such loan have been approved by the Governor General in Council."	Act XXXVIII of 1920, s. 2 and Sch. I.
			In section 143, for the words "Governor General in Council" the words "Governor in Council" were substituted.	*Ibid.*
	VI.—Acts of the Governor of Bombay in Council.			
165	Constitution of Courts in Sindh (XII of 1866).	In section 1, the words "with the sanction of the Government of India."	.....	*Ibid.*
166	Sanitary Regulation of the City of Bombay (VI of 1867).	In section 1, the words "acting under the general control of the Government of of India."	.....	*Ibid.*
167	Bombay Ferries Act, 1868 (II of 1868).	In section 4, the words "or imperial" and the words "except with the sanction of the Governor General in Council."	.....	*Ibid.*
168	Bombay City Land-revenue Act, 1876 (II of 1876).	In section 6, the words "under the general control of the Governor General of India in Council."	.....	*Ibid.*
169	Bombay Abkari Act, 1878 (V of 1878).	In proviso (*ii*) to section 19, the words "with the previous sanction of the Government of India."	.....	*Ibid.*
170	Karachi Port Trust Act, 1886 (VI of 1886).	In section 3, the words "with the approval of the Governor General in Council."	.....	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	VI.—Acts of the Governor of Bombay in Council—contd.			
171	City of Bombay Municipal Act, 1888 (III of 1888).	...	In section 106, for the words "Governor General of India in Council" the words "Governor in Council" were substituted; and to the same section the following proviso was added, namely:— "Provided that no loan exceeding in amount twenty-five lakhs of rupees shall be contracted by the Corporation unless the terms, including the date of flotation, of such loan have been approved by the Governor General of India in Council."	Act XXXVIII of 1920, s. 2 and Sch. I.
			In clause (*c*) of section 109 for the words "the Governor General of India in Council" the words "the Governor in Council" were substituted.	*Ibid.*
172	City of Bombay Municipal Act, Amendment Act, 1888 (IV of 1888).	Sections 2 and 3.	.....	*Ibid*, s. 3 and Sch. II.
173	Bombay Salt Act, 1890 (II of 1890).	...	In sub-section (*1*) of section 4, for the words "subject to the general control of the Governor General in Council" the following was substituted, namely:— "subject to such control of the Governor General in Council as may be prescribed by rules made under section 45-A. of the Government of India Act."	*Ibid*, s. 2 and Sch. I.
174	Bombay District Police Act, 1890 (IV of 1890).	...	In section 4, after the word "subject" the words "in the case of officers of the Indian Police of and above the rank of Assistant Superintendent" were inserted, and for the words "the authorities aforesaid" the word "Government" was substituted.	*Ibid.*
		In sub-section (*2*) of section 5 the words "subject to the previous approval of the Governor General in Council."	.....	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	VI.—Acts of the Governor of Bombay in Council—contd.			
175	City of Bombay Improvement Act, 1898 (IV of 1898).	In section 33, the words "for transmission to the Government of India."	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
		...	In section 33, for the words "the Government of India," where they occur for the second time, the word "Government" was substituted.	*Ibid.*
		In section 37, the words "either the Government of India or."	.....	*Ibid.*
		...	In section 52, for the words "the Government of India" the word "Government" was substituted; and to the same section the following proviso was added, namely — "Provided that no loan exceeding in amount twenty-five lakhs of rupees shall be raised by the Board, unless the terms, including the date of flotation, of such loan have been approved by the Government of India."	*Ibid.*
			In section 53, for the words "the Government of India" the word "Government" and for the words "with the previous consent of the Government of India" the words "subject to the provisions of the last preceding section" were substituted;	*Ibid.*
		In section 53 the words "under the last preceding section."	.....	*Ibid.*
		...	In sections 55 (*2*), 57, 61 (*2*) and 75 (*1*), for the words "the Government of India" the word "Government" was substituted.	*Ibid.*
176	Bombay District Municipal Act, 1901 (III of 1901).	...	In section 59, for the words "Governor General in Council" the words "Governor in Council" were substituted; and after clause (*x*) the following clause was inserted, namely:— "(X-A) any other tax which, under rules made under clause (*a*) of section 80-A, sub-section (*3*), of the Government of India Act, a local authority may be authorised to impose by any law made by the local legislature without the previous sanction of the Governor General."	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	VI.—Acts of the Governor of Bombay in Council—concld.			
176	Bombay District Municipal Act, 1901 (III of 1901)—*contd.*		In clause (xi) of the same section, after the words "Governor in Council" the words "and of the Governor General in Council" were inserted.	Act XXXVIII of 1920, s. 2 and Sch. I.
177	City of Bombay Police Act, 1902 (IV of 1902).	...	In section 44, for the words "Governor General in Council" the words "Governor in Council" were substituted.	*Ibid.*
178	Bombay Disqualification of Aliens Act, 1918 (VI of 1918).	In section 5, the words "with the approval of the Governor General in Council."	.....	*Ibid.*
	VII.—Part A.—Acts of the Lieutenant-Governor of Bengal in Council.			
179	Calcutta Suburban Police Act, 1866 (II of 1866).	In sub-section (4) of section 47-A., the words "subject to the control of the Governor General in Council."	.....	*Ibid.*
180	Calcutta Police Act, 1866 (IV of 1866).	...	In section 4, for the words "Governor General of India in Council" the following was substituted, namely:— "Lieutenant-Governor, subject to rules made under section 45-A. of the Government of India Act."	*Ibid.*
		In sub-section (4) of section 78-A. the words "subject to the control of the Governor General in Council."	.....	*Ibid.*
181	Bengal Police Act, 1869 (VII of 1869).	...	In section 5, after the word "subject" the words "in the case of officers of the Indian Police of and above the rank of Assistant Superintendent" were inserted.	*Ibid.*
182	Bengal Steam-boilers and Prime Movers Act, 1879 (III of 1879).	...	In clause (*f*) of section 4 (2), for the words "Government of India" the words "Local Government" were substituted, and after the word "payment" the words "subject to rules made under section 45-A. of the Government of India Act" were inserted.	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	VII.—Part A.—Acts of the Lieutenant-Governor of Bengal in Council—contd.			
183	Calcutta Municipal Act, 1899 (III of 1899).	In sub-section (*3*) of section 24, the words "with the previous sanction of the Government of India."	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
		In clauses (*i*) and (*ii*) of the proviso to section 128 (*i*), the words "or (if the loan exceeds rupees five lakhs or is to be repaid after a period exceeding thirty years) the Government of India."	.....	*Ibid.*
		...	After clause (*iii*) of the proviso to section 128 (*i*), the following was inserted, namely:— "(*iv*) no loan exceeding in amount twenty-five lakhs of rupees shall be raised, unless the terms, including the date of flotation, of such loan have been approved by the Government of India."	*Ibid.*
			In sub-section (*1*) of section 141-B., for the words "Government of India" the words "Local Government" were substituted.	*Ibid.*
184	Bengal Settled Estates Act, 1904 (III of 1904).	In sections 7 and 16 (*5*) the words "with the previous sanction of the Governor General in Council."	.....	*Ibid.*
185	Bengal Tenancy (Amendment) Act, 1907 (I of 1907).	Sub-section (*3*) of section 36.	.....	*Ibid*, s. 3 and Sch. II.
186	Chota Nagpur Tenancy Act, 1908 (VI of 1908).	In section 265 (*1*) the words "with the previous sanction of the Government of India."	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
187	Bengal Excise Act, 1909 (V of 1909).	In sections 4 and 11 the words "with the previous sanction of the Government of India."	.....	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	VII.—Part A.—Acts of the Lieutenant-Governor of Bengal in Council—concld.			
187	Bengal Excise Act, 1909 (V of 1909)—*contd.*	...	To section 4, the following proviso was added, namely.— "Provided that, where the interests of any other Province may be affected, no such declaration shall be made without the previous sanction of the Government of India."	Act XXXVIII of 1920, s. 2 and Sch. I.
			To section 11, the following proviso was added, namely — "Provided that, where the interests of any other Province may be affected, no notification shall be issued under clause (*a*) without the previous sanction of the Government of India."	*Ibid.*
188	Calcutta Improvement Act, 1911 (V of 1911).	In clauses (*i*) and (*ii*) of proviso (*b*) to section 83 (*1*) and in sections 176 (*1*) and (*2*) and 177 (*1*), the words "with the previous sanction of the Government of India."	.....	*Ibid.*
		...	In section 89, for the words "Government of India" the words "Local Government" were substituted : and to the same section the following proviso was added, namely :— "Provided that no loan exceeding in amount twenty-five lakhs of rupees shall be taken by the Board, unless the terms, including the date of flotation, of such loan have been approved by the Government of India."	*Ibid.*
		Section 90.	.....	*Ibid.*
		...	In section 93 (*1*), 98, 99 and 100 for the words "Government of India" wherever they occur the words "Local Government" were substituted.	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	VII.—Part B—Acts of the Governor of Bengal in Council.			
189	Bengal Board of Revenue Act, 1913 (II of 1913).	In the proviso to section 3, the words "with the previous sanction of the Government of India".	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
190	Bengal Decentralization Act, 1915 (V of 1915).	In the Schedule, Part II, the entry relating to Bengal Act II of 1866 and the entry relating to section 78-A. of Bengal Act IV of 1866.	.....	*Ibid*, s 3 and Sch. II.
191	Bengal (Alien) Disqualification Act, 1918 (III of 1918).	In the proviso to section 3, the words "with the approval of the Governor General in Council."	.....	*Ibid*, s. 2 and Sch I.
	VIII.—Acts of the Lieutenant-Governor of the United Provinces of Agra and Oudh in Council.			
192	United Provinces Village Courts Act, 1892 (III of 1892).	In section 77, the words "and subject to the approval of the Governor General in Council."	...	*Ibid.*
193	Collection of Taxes by Railway Administrations (II of 1899).	In section 3, the words "and of the Governor General in Council."	.....	*Ibid*
194	Agra Tenancy Act, 1901 (II of 1901).	In sub-section (*1*) of section 52, the words "with the previous sanction of the Governor General in Council."	.....	*Ibid.*
195	United Provinces Land Revenue Act, 1901 (III of 1901).	In sections 6 and 13 (*1*), the words "with the previous sanction of the Governor General in Council"	.....	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	VIII.—Acts of the Lieutenant-Governor of the United Provinces of Agra and Oudh in Council—contd.			
195	United Provinces Land Revenue Act, 1901 (III of 1901)—*contd.*	In section 62, the words "in accordance with general principles sanctioned by the Governor General in Council."	. ...	Act XXXVIII of 1920, s. 2 and Sch. I.
		In the proviso to section 68, the words "without the previous sanction of the Governor General in Council" and the words "from the settlement", where they occur for the second time.		*Ibid.*
		...	In sub-section (3) of section 86, for the words "Governor General in Council" the words "Local Government" were substituted.	*Ibid.*
196	United Provinces District Boards Act, 1906 (III of 1906).	In sub-section (1) of section 5, the proviso.	..	*Ibid.*
		.	In sub-sections (2) and (4) of section 32 and in clause (t) of section 56 (1), after the words "Governor General in Council," the words "or Local Government" were inserted.	*Ibid.*
		In sub-section (2) of section 46, the words "and subject to any general or special orders of the Governor General in Council."	.. ...	*Ibid.*
		...	In sub-section (2) of section 46, for the words "Governor General in Council", where they occur for the second time, the words "Local Government" were substituted.	*Ibid.*
		In sub-section (1) of section 55, the words "with the previous approval of the Governor General in Council."	.....	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	VIII.—Acts of the Lieutenant-Governor of the United Provinces of Agra and Oudh in Council—contd.			
197	United Provinces Excise Act, 1910 (IV of 1910).	In sections 3 (4) and 9, the words "subject to such conditions (if any) as the Governor General in Council may prescribe".	.....	Act XXXVIII of 1920, s. 2 and Sch I.
		In sub-section (2) of section 4, the words "with the previous sanction of the Government of India."	.....	*Ibid.*
		...	To sub-section (2) of section 4, the following proviso was added, namely :— "Provided that, where the interests of any other Province may be affected, no declaration shall be made under this sub-section without the previous sanction of the Government of India."	*Ibid.*
		In clause (a) of section 14, the words "with the sanction of the Governor General in Council."	.....	*Ibid.*
		...	To section 14 the following proviso was added, namely :— "Provided that, where the interests of any other Province may be affected, no notification shall be issued under clause (a) without the previous sanction of the Government of India."	*Ibid.*
198	United Provinces Municipalities Act, 1916 (II of 1916).	In sub-section (2) of section 3, the word "or" at the end of clause (a) and the whole of clauses (b) and (c).	.....	*Ibid.*
		...	In section 80, for the words "Governor General in Council", where they first occur, the words "Local Government" were substituted, and after the words "Governor General in Council", where they occur for the second time, the words "or Local Government" were inserted.	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	VIII.—Acts of the Lieutenant-Governor of the United Provinces of Agra and Oudh in Council—contd.			
198	United Provinces Municipalities Act, 1916 (II of 1916)—*contd.*	...	In sub-section (*1*) of section 128, for the words "Governor General in Council", where they first occur, the words "Local Government" were substituted, and after clause (*xiii*) the following clause was inserted, namely — "(*xiii*-A) Any other tax which, under rules made under clause (*a*) of section 80-A., sub-section (*3*) of the Government of India Act, a local authority may be authorised to impose by any law made by the local legislature without the previous sanction of the Governor General."	Act XXXVIII of 1920, s. 2 and Sch. I.
			In clause (*xiv*) of the same sub-section for the words "any other tax" the following was substituted, namely —"any tax not authorised under clauses (*i*) to (*xiii*-A)."	*Ibid.*
			In sub-section (*3*) of section 133, after the word and figures "clause (*xiii*)" the words and figures "or under clause (*xiii*-A)" were inserted.	*Ibid.*
199	United Provinces Town Improvement Act, 1919 (VIII of 1919).	...	Provisions modified so as to provide in certain cases for an appeal to the High Court from the awards of the Tribunal constituted under that Act.	Act III of 1920, ss. 3, 4 and 5.
	IX.—Acts of the Lieutenant-Governor of the Punjab in Council.			
200	Punjab Municipal Act, 1911 (III of 1911).	...	In section 61, for the words "Governor General in Council" where they first occur the words "Local Government" were substituted; and after clause (B) (*i*) the following clause was inserted, namely :— "(*j*) any other tax which, under rules made under clause (*a*) of section 80-A., sub-section (*3*) of the Government of India Act, a local authority may be authorised to impose by any law made by the local legislature without the previous sanction of the Governor General."	Act XXXVIII of 1920, s. 2 and Sch. I.
		In sub-section (*1*) of section 238, the words "with the previous approval of the Governor General in Council" and the proviso.	.....	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	IX.—Acts of the Lieutenant-Governor of the Punjab in Council—concld.			
201	Colonization of Government Lands (Punjab) Act, 1912 (V of 1912).		In the proviso to section 4 after the words "Provided that" the words "unless the Local Government by general or special order otherwise directs" were inserted.	Act XXXVIII of 1920, s. 2 and Sch. I.
		In the proviso to section 4, the words "without the previous sanction of the Governor General in Council."	.....	*Ibid.*
202	Punjab Excise Act, 1914 (I of 1914).	In sections 4 and 17, the words "with the previous sanction of the Governor General in Council."	.....	*Ibid.*
		...	To section 4, the following proviso was added, namely :— "Provided that, where the interests of any other Province may be affected, no such declaration shall be made without the previous sanction of the Governor General in Council."	*Ibid.*
			To section 17, the following proviso was added, namely :— "Provided that, where the interests of any other Province may be affected, no notification shall be issued under clause (*a*) without the previous sanction of the Governor General in Council."	*Ibid.*
	X.—Acts of the Lieutenant-Governor of Burma in Council.			
203	Burma Municipal Act, 1898 (III of 1898).	...	In sections 37, 38 and 38-B, after the words "Governor General in Council" wherever they occur the words "or of the Local Government" were inserted.	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals	Amendments.	Repealing or Amending Act.
	X — Acts of the Lieutenant-Governor of Burma in Council—contd.			
203	Burma Municipal Act, 1898 (III of 1898)—*contd*		In sub-section (*1*) of section 46, for the words "Governor General in Council" the words "Local Government" were substituted, and after clause (*h*) of division (A) the following clause was inserted, namely — "(*i*) any other tax which under rules made under clause (*a*) of section 80-A, sub-section (*3*), of the Government of India Act, a local authority may be authorised to impose by any law made by the local legislature with the previous sanction of the Governor General."	Act XXXVIII of 1920, s 2 and Sch. I.
			In division (B) of the same sub-section, for the words "any other tax" the words "any tax not authorised under division (A)," were substituted.	*Ibid.*
204	Lower Burma Town and Village Lands Act, 1898 (IV of 1898).	In sections 17 (*1*) and 43, the words "subject to the control of the Governor General in Council."	.....	*Ibid.*
205	Rangoon Police Act, 1899 (IV of 1899)	...	In sections 6 and 9 after the word "subject" the words "in the case of officers of the Indian Police of and above the rank of Assistant Superintendent" were inserted.	*Ibid.*
			In section 7, for the words from "may appoint" to the end of the section the following was substituted, namely :— "may, subject to rules made under section 45-A of the Government of India Act, appoint so many Superintendents of Police as it thinks fit."	*Ibid.*
206	Burma Forest Act, 1902 (IV of 1902).		In section 23, for the words "Governor General in Council" the words "Local Government" were substituted.	*Ibid.*
207	Rangoon Port Act, 1905 (IV of 1905).	In sub-section (*1*) of section 5, the words "with the previous sanction of the Governor General in Council"	.....	*Ibid.*
208	Burma Village Act, 1907 (VI of 1907).	In sub-section (*1*) of section 29, the words "subject to the control of the Governor General in Council."	.....	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	X.—Acts of the Lieutenant-Governor of Burma in Council—concld.			
209	Burma Process Fees Act, 1910 (I of 1910).	In section 3, the words "subject to the control of the Governor General in Council, and.".	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
210	Burma Land and Revenue (Amendment) Act, 1913 (I of 1913).	Sub-section (2) of section 4.	.....	*Ibid*, s. 3 and Sch. II.
211	Rangoon Hackney Carriages Act, 1917 (IV of 1917).	In section 2, the words "subject to the control of the Governor General in Council."	.....	*Ibid*, s. 2 and Sch I.
		...	To section 2, the following proviso was added, namely — "Provided that the Local Government, when extending this Act or any provisions thereof to any cantonment, shall exercise its powers under this section subject to the control of the Governor General in Council."	*Ibid.*
212	Burma Excise Act, 1917 (V of 1917).	In section 3, the words "subject to the control of the Governor General in Council."	.....	*Ibid.*
		...	To section 3, the following proviso was added, namely :— "Provided that, where the interest of any other Province may be affected, such declaration shall be made subject to the control of the Governor General in Council."	*Ibid.*
		In section 8, the words "with the sanction of the Governor General in Council."	.....	*Ibid.*
		...	To section 8, the following proviso was added, namely :— "Provided that, where the interests of any other Province may be affected, no notification prohibiting the import or export of any excisable article shall be issued without the sanction of the Governor General in Council."	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	XI.—Acts of the Lieutenant-Governor of Bihar and Orissa in Council.			
213	Bihar and Orissa Board of Revenue Act, 1913 (I of 1913).	In the proviso to section 3, the words "with the previous sanction of the Government of India."	.....	Act XXXVIII of 1920, s. 2 and Sch. I.
214	Orissa Tenancy Act, 1913 (II of 1913).	In sub-section (*7*) of section 46, the words "subject to the control of the Governor General in Council."	.....	*Ibid*
		In sub-section (*1*) of section 112, the words "with the previous sanction of the Governor General in Council and may" and the words "without such sanction in any of the cases next hereinafter mentioned."	.....	*Ibid.*
		...	In sub-section (*2*) of section 112, for the words from "The cases" to "the following" the following was substituted, namely — "In particular and without prejudice to the generality of the foregoing power, the Local Government may make such an order in the following cases."	*Ibid.*
			In sub-section (*3*) of section 128, for the words "Governor General in Council" the words "Local Government" and for the words "Gazette of India" the words "local official Gazette" were substituted.	*Ibid*
		In sub-section (*1*) of section 143, the words "with the previous sanction of the Governor General in Council."	.....	*Ibid.*
		...	In sub-section (*3*) of section 143, for the words "Governor General in Council", where they occur in both places, the words "Local Government," were substituted.	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
	XI.—Acts of the Lieutenant-Governor of Bihar and Orissa in Council—concld.			
214	Orissa Tenancy Act, 1913 (II of 1913)—*contd.*	In sub-section (*1*) of section 192, the words "with the previous sanction of the Governor General in Council" and the words "with the like sanction."		Act XXXVIII of 1920, s. 2 and Sch. I.
215	Bihar and Orissa Excise Act, 1915 (II of 1915).	In sections 4 and 11, the words "with the previous sanction of the Government of India".	... ...	*Ibid.*
		...	To section 4, the following proviso was added, namely — "Provided that, where the interests of any other Province may be affected, no such declaration shall be made without the previous sanction of the Government of India."	*Ibid.*
			To section 11, the following proviso was added, namely — "Provided that, where the interest of any other Province may be affected, no notification shall be issued under clause (*a*) without the previous sanction of the Government of India."	*Ibid.*
	XII.—Acts of the Lieutenant-Governor of Eastern Bengal and Assam in Council.			
216	Eastern Bengal and Assam Tenancy (Amendment) Act, 1908 (I of 1908).	Sub-section (*3*) of section 36.	.....	*Ibid*, s 3 and Sch. II.
217	Eastern Bengal and Assam Excise Act, 1910 (I of 1910).	In section 4, the words "with the previous sanction of the Governor General in Council."	.....	*Ibid*, s. 2 and Sch. I.

1	2	3	4	5
Serial No.	Enactments affected	Repeals.	Amendments.	Repealing or Amending Act.
	XII.—Acts of the Lieutenant-Governor of Eastern Bengal and Assam in Council—concld.			
217	Eastern Bengal and Assam Excise Act, 1910 (I of 1910) —*contd.*	...	To section 4, the following proviso was added, namely — "Provided that, where the interests of any other Province may be affected, no such declaration shall be made without the previous sanction of the Governor General in Council."	Act XXXVIII of 1920, s 2 and Sch I.
		In section 12, the words "with the sanction of the Governor General in Council."	.....	*Ibid.*
		...	To section 12, the following proviso was added, namely — "Provided that, where the interests of any other Province may be affected, no notification shall be issued under clause (*a*) without the previous sanction of the Governor General in Council."	*Ibid.*
	XIII.—Acts of the Chief Commissioner of the Central Provinces in Council.			
218	Central Provinces Excise Act, 1915 (II of 1915).	In clause (3) of section 2, the words "subject to the control of the Governor General in Council."	.....	*Ibid.*
		In sections 4 and 8, the words "with the previous sanction of the Governor General in Council."	.....	*Ibid.*
		...	To section 4, the following proviso was added, namely.— "Provided that, where the interests of any other Province may be affected, no such declaration shall be made without the previous sanction of the Governor General in Council."	*Ibid.*

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
XIII.—Acts of the Chief Commissioner of the Central Provinces in Council—concld.				
218	Central Provinces Excise Act, 1915 (II of 1915)—*contd.*	...	To section 8, the following proviso was added, namely :— "Provided that, where the interests of any other Province may be affected, no notification shall be issued under clause (*a*) without the previous sanction of the Governor General in Council."	Act XXXVIII of 1920, s. 2 and Sch. I.
219	Central Provinces Court's Act, 1917 (I of 1917).	In sub-section (*1*) of section 4 the words "with the sanction of the Governor General in Council."	.....	*Ibid.*
		...	In sub-section (*1*) of section 4, after the word "Judges" the words "who shall be appointed by the Local Government and" were inserted.	*Ibid.*
			For sub-section (*2*) of the same section, the following was substituted, namely — "(*2*) The Local Government shall appoint one of such Judges to be the Judicial Commissioner, and the others shall be Additional Judicial Commissioners."	*Ibid.*
220	Central Provinces Land Revenue Act, 1917 (II of 1917).	Section 4.	.....	*Ibid.*
		...	In sub-section (*2*) of section 5, for the words "with the previous sanction" the words "subject to the control" were substituted.	*Ibid.*
		In sub-section (*1*) of section 8 the words "with the previous sanction of the Governor General in Council."	.....	*Ibid.*

SGPI32-86LD-20-2 22-6500.

ACT No. I OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

(Received the assent of the Governor General on the 11th February, 1920.)

An Act further to amend the Indian Steam-ships Act, 1884.

VII of 1884. WHEREAS it is expedient further to amend the Indian Steam-ships Act, 1884; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Steam-ships (Amendment) Act, 1920.

Repeal of section 6, Act VII of 1884.

VII of 1884. **2.** Section 6 of the Indian Steam-ships Act, 1884, is hereby repealed.

Insertion of new section 14 in Act VII of 1884.

VII of 1884 **3.** After section 13 of the Indian Steam-ships Act, 1884, the following section shall be inserted, namely :—

Penalty for carrying passengers in contravention of the Act.

"14. If a steam-ship on any voyage carries or attempts to carry passengers in contravention of section 4, or has on board or in any part thereof a number of passengers which is greater than the number set forth in the certificate of survey as the number of passengers which the steam-ship or the part thereof is, in the judgment of the surveyor, fit to carry on that voyage, the owner and the master shall each be punishable with fine which may extend to one thousand rupees, and also with an additional fine not exceeding twenty rupees for every passenger above the number so set forth, or, if the fare of any passenger on board exceeds twenty rupees, not exceeding double the amount of the fares of all the passengers above the number so set forth, reckoned at the highest rate of fare payable by any passenger on board; and if the master or any other officer of any steam-ship which carries or attempts to carry passengers in contravention of section 4 is a licensed pilot, he shall be liable to have his license as a pilot suspended or cancelled for any period by the Local Government".

[*Price one anna and three pies.*]

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ACT No. II of 1920.

[Passed by the Indian Legislative Council.]

(Received the assent of the Governor General on the 11th February, 1920.)

An Act further to amend the Indian Army Act, 1911.

VIII of 1911. WHEREAS it is expedient further to amend the Indian Army Act, 1911; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Indian Army (Amendment) Act, 1920.

Amendment of section 116, Act VIII of 1911.

VIII of 1911. **2.** In section 116 of the Indian Army Act, 1911, after the words "becoming insane" the following shall be added, namely:—

"or, who, being on active service, is officially reported missing:

Provided that, in the case of a person so reported missing, no action shall be taken under sub-sections (2) to (5), inclusive, of the said section, until one year has elapsed from the date of such report."

[*Price one anna and three pies.*]

(*i*) the President of the Tribunal grants a certificate that the case is a fit one for appeal, or

(*ii*) the High Court grants special leave to appeal:

Provided that the High Court shall not grant such special leave unless the President has refused to grant a certificate under sub-clause (*i*) and the amount in dispute is not less than five thousand rupees.

(*2*) An appeal under clause (*b*) of sub-section (*1*) shall only lie on one or more of the following grounds, namely :—

(*i*) the decision being contrary to law or to some usage having the force of law;

(*ii*) the decision having failed to determine some material issue of law or usage having the force of law;

(*iii*) a substantial error or defect in the procedure provided by the said Act which may possibly have produced error or defect in the decision of the case upon the merits.

Procedure in such appeals.

4. Subject to the provisions of section 3, the provisions of the Code of Civil Procedure, 1908, with respect to appeals from original decrees shall, so far as may be, apply to appeals under this Act. V of 1908.

Execution of orders of High Court

5. Every order passed by the High Court on appeal under this Act shall be enforced, on application, by a Court of Small Causes within the local limits of whose jurisdiction the award or order appealed against was made, as if it were a decree of that Court.

Period of limitation for such appeals.

6. An appeal under section 3 shall be deemed to be an appeal under the Code of Civil Procedure, 1908, within the meaning of Article 156 of the First Schedule to the Indian Limitation Act, 1908. V of 1908 IX of 1908

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ACT No. IV OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

(Received the assent of the Governor General on the 25th February, 1920.)

An Act to provide for certain matters in connection with the taking of the Census.

WHEREAS it has been determined to take a census of British India during the year 1921, and it is expedient to provide for certain matters in connection with the taking of such census; It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Indian Census Act, 1920.

(*2*) It extends to the whole of British India, inclusive of British Baluchistan, the Sonthal Parganas and the Pargana of Spiti.

Appointment of census-officers.

2. (*1*) The Local Government may appoint any person to take, or aid in or supervise the taking of, the census within any specified local area.

(*2*) Persons so appointed shall be called census-officers.

(*3*) The Local Government may delegate to such authority, as it thinks fit, the power of appointing census-officers which is conferred by this section.

Proof of appointment of census-officers and their status as public servants.

3. (*1*) A declaration in writing, signed by any officer authorised by the Local Government in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(*2*) All census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

XLV of 1860.

4. (*1*) (*a*) Every

[*Price two annas and nine pies.*]

Discharge of duties of census-officers in certain cases

4. (*1*) (*a*) Every officer in command of any body of men belonging to His Majesty's naval, military or air forces or to His Majesty's Indian Marine Service or of any vessel of war,

(*b*) every person (except a pilot or harbour-master) having charge or control of a vessel,

(*c*) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up or of any public, charitable, religious or educational institution,

(*d*) every keeper, secretary or manager of any sarai, hotel, boarding-house, lodging-house, emigration depôt or club, and

(*e*) every occupant of immoveable property who has at the time of the taking of the census not less than twenty persons living on or in such property, and every manager or officer of a railway or other commercial or industrial establishment who has at such time not less than ten persons employed under him,

shall, if so required by the District Magistrate or by such officer as the Local Government may appoint in this behalf, perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or are inmates of his house or present on or in such immoveable property or are employed under him as such Magistrate or officer may, by written order, direct.

(*2*) All the provisions of this Act relating to census-officers shall apply, so far as they can be made applicable, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which he is directed under this section to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code. XLV of 1860.

Power of District Magistrate to call upon certain persons to give assistance.

5. (*1*) The District Magistrate, or such officer as the Local Government may appoint in this behalf for any local area, may, by written order, which shall have

have effect throughout the limits of his district or of such local area, as the case may be, call upon—

(*a*) all owners and occupiers of land, tenure-holders, farmers, assignees of land-revenue and lessees of fisheries under the Burma Fisheries Act, 1905, or the Upper Burma Land and Revenue Regulation, 1889, or their agents,

Bur Act III of 1905
III of 1889

(*b*) all village-officers and servants in estates as defined in the Madras Proprietary Estates' Village Service Act, 1894, and

Mad Act II of 1894.

(*c*) all members of panchayats appointed under the Village Chaukidari Act, 1870, or the Sylhet and Cachar Rural Police Regulation, 1883, or members of union boards established under the Bengal Village Self-Government Act, 1919, all ghatwals, Unit-tahsildars and members of a panchayat appointed under the Chota Nagpur Rural Police Act, 1914, all members of village authorities constituted under the Assam Local Self-Government Act, 1915, and all village-headmen in the Kumaun Division of the United Provinces,

Ben. Act VI of 1870.
I of 1883.
Ben. Act V of 1919.
B. and O. Act I of 1914.
Assam Act I of 1915.

to give such assistance as he needs towards the taking of a census of the persons who are at the time of the taking of the census on the lands of such owners, occupiers, holders, farmers and assignees, or within the limits of such fisheries or in the villages or other areas for which such village-officers and servants, panchayats, union boards, village authorities, ghatwals, Unit-tahsildars or village-headmen are appointed, as the case may be.

(*2*) Such order shall specify the nature of the assistance required, and such owners, occupiers, holders, farmers, assignees and lessees, or their agents, and such village-officers and servants, the members of such panchayats, union boards and village authorities, and such ghatwals, Unit-tahsildars and village-headmen shall be bound to obey it.

6. Every

Asking of questions by census-officers.

6. Every census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Local Government and published in the official Gazette, he may be directed to ask.

Obligation to answer questions.

7. Every person of whom any question is asked under the last foregoing section shall be legally bound to answer such question to the best of his knowledge or belief:

Provided that no person shall be bound to state the name of any female member of his household, and no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

Occupier to allow access, and permit affixing of numbers.

8. Every person occupying any house, enclosure, vessel or other place shall allow census-officers such access thereto as they may require for the purposes of the census, and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on or affix to the place such letters, marks or numbers as may be necessary for the purposes of the census.

Occupier or manager to fill up schedule.

9. (*1*) Subject to such orders as the Local Government may issue in this behalf, any census-officer may leave, or cause to be left,

(*a*) at any dwelling-house within the local area for which he is appointed, or

(*b*) with any manager or officer of any commercial or industrial establishment who has at the time of the taking of the census not less than ten persons employed under him,

a schedule for the purpose of its being filled up by the occupier of such house or of any specified part thereof, or by such manager or officer with such particulars as the Local Government may direct regarding the inmates of such house or part, or the persons employed under such manager or officer at the time of the taking of the census, as the case may be.

(*2*) When

(2) When any such schedule has been so left, the occupier of the house or part to which it relates, or the manager or officer with whom it is left, shall fill it up, or cause it to be filled up, to the best of his knowledge or belief, so far as regards the inmates of such house or part, or the persons employed under him at the time aforesaid, as the case may be, and shall sign his name thereto, and when so required, shall deliver the schedule so filled up and signed to the census-officer or to such person as the census-officer may direct.

10. In any of the following cases, namely :— Penalties.

(*a*) if a census-officer or a person lawfully required to give assistance towards the taking of a census refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Act or with any rule duly made thereunder,

(*b*) if a census-officer intentionally puts any offensive or improper question or knowingly makes any false return, or without the previous sanction of the Governor General in Council or the Local Government, discloses any information which he has received by means of or for the purposes of a census return,

(*c*) if any person refuses to answer to the best of his knowledge or belief any question asked of him by a census-officer which he is legally bound by section 7 so to answer,

(*d*) if any person occupying any house, enclosure, vessel or other place refuses to allow a census-officer such reasonable access thereto as he is required by section 8 to allow,

(*e*) if any person removes, obliterates, alters or injures before the 31st day of March, 1921, any letters, marks or numbers which

which have been painted or affixed for the purposes of the census,

(*f*) if any occupier of a dwelling-house or part thereof or any person with whom a schedule is left under section 9 knowingly and without sufficient cause fails to comply with the provisions of section 9 or makes any false return under that section,

he shall be punishable with fine which may extend to fifty rupees.

Jurisdiction in prosecutions.

11. (*1*) The Local Government may, by notification in the official Gazette, declare before what classes of Magistrates prosecutions under this Act may be instituted.

(*2*) Unless and until a notification is published under sub-section (*1*), all prosecutions under this Act shall, in the towns of Calcutta, Madras, and Bombay, be instituted before a Presidency Magistrate, and elsewhere, before the District Magistrate.

(*3*) No prosecution under this Act shall be instituted except with the previous sanction of the Local Government or of some officer authorised by the Local Government in this behalf.

Records of census not open to inspection or admissible in evidence in certain proceedings.

12. No person shall have a right to inspect any book, register or record made by a census-officer in the discharge of his duty as such officer or any schedule delivered under section 9, and, notwithstanding anything to the contrary in the Indian Evidence Act, 1872, no entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceeding or any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898.

I of 1872.

V of 1898.

Temporary suspension of local enactments and rules as to mode of taking census in municipalities.

13. Notwithstanding anything in any enactment or rule with respect to the mode in which a census is to be taken in any municipality, the municipal authority may, at the time appointed for the taking of the census of British India during the year 1921, cause the census of the municipality to be taken wholly or in part by any method authorised by this Act.

14. Notwithstanding

14. Notwithstanding anything in any enactment or rule, in regard to municipal, local, union or village funds, the Local Government may direct that the whole or any part of any expenses incurred for anything done in accordance with this Act may be charged to any municipal, local, union or village fund constituted for, and on behalf of, the area within which such expenses were incurred. Power in regard to expenses.

15. (*1*) The Governor General in Council may make rules for carrying out the purposes of this Act. Power to make rules.

(*2*) In particular, and without prejudice to the generality of the foregoing power, the Governor General in Council may make rules providing—

(*a*) for the appointment of census-officers and of persons to perform any of the duties of census-officers or to give assistance towards the taking of a census, and for the general instructions to be issued to such officers and persons;

(*b*) for the enumeration of persons employed on railways and their families and of other classes of the population for whom it may be necessary or expedient to make special provision; and

(*c*) for the enumeration of persons travelling on the night when a census is taken.

(*3*) The Governor General in Council may, by general or special order, direct that all or any of the powers conferred upon him by this section may also be exercised by any Local Government with respect to the territories administered by it.

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THE PROVINCIAL INSOLVENCY ACT, 1920
(V OF 1920.)

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[*Price ten annas.*]

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ACT No. V OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 25th February, 1920.)

An Act to consolidate and amend the Law relating to Insolvency in British India, as administered by Courts having jurisdiction outside the Presidency-towns and the Town of Rangoon.

WHEREAS it is expedient to consolidate and amend the law relating to insolvency in British India, as administered by Courts having jurisdiction outside the Presidency-towns and the Town of Rangoon; It is hereby enacted as follows:—

1. (*1*) This Act may be called the Provincial Insolvency Act, 1920. Short title and extent.

(*2*) It extends to the whole of British India, except the Scheduled Districts.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) "creditor" includes a decree-holder, "debt" includes a judgment-debt, and "debtor" includes a judgment-debtor;

(*b*) "District Court" means the principal Civil Court of original jurisdiction in any area outside the local limits for the time being of the Presidency-towns and of the Town of Rangoon;

(*c*) "prescribed" means prescribed by rules made under this Act;

(*d*) "property" includes any property over which or the profits of which any person has

has a disposing power which he may exercise for his own benefit;

(*e*) "secured creditor" means a person holding a mortgage, charge or lien on the property of the debtor or any part thereof as a security for a debt due to him from the debtor; and

(*f*) "transfer of property" includes a transfer of any interest in property and the creation of any charge upon property.

(*2*) Words and expressions used in this Act and defined in the Code of Civil Procedure, 1908, and not hereinbefore defined shall have the same meanings as those respectively attributed to them by the said Code. V of 1908.

PART I.

CONSTITUTION AND POWERS OF COURT.

Insolvency jurisdiction

3. (*1*) The District Courts shall be the Courts having jurisdiction under this Act:

Provided that the Local Government may, by notification in the local official Gazette, invest any Court subordinate to a District Court with jurisdiction in any class of cases, and any Court so invested shall within the local limits of its jurisdiction have concurrent jurisdiction with the District Court under this Act.

(*2*) For the purposes of this Act, a Court of Small Causes shall be deemed to be subordinate to the District Court.

Power of Court to decide all questions arising in insolvency.

4. (*1*) Subject to the provisions of this Act, the Court shall have full power to decide all questions whether of title or priority, or of any nature whatsoever, and whether involving matters of law or of fact, which may arise in any case of insolvency coming within the cognisance of the Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case.

(*2*) Subject

(*2*) Subject to the provisions of this Act and notwithstanding anything contained in any other law for the time being in force, every such decision shall be final and binding for all purposes as between, on the one hand, the debtor and the debtor's estate and, on the other hand, all claimants against him or it and all persons claiming through or under them or any of them.

(*3*) Where the Court does not deem it expedient or necessary to decide any question of the nature referred to in sub-section (*1*), but has reason to believe that the debtor has a saleable interest in any property, the Court may without further inquiry sell such interest in such manner and subject to such conditions as it may think fit.

General powers of Courts.

5. (*1*) Subject to the provisions of this Act, the Court, in regard to proceedings under this Act, shall have the same powers and shall follow the same procedure as it has and follows in the exercise of original civil jurisdiction.

(*2*) Subject as aforesaid, High Courts and District Courts, in regard to proceedings under this Act in Courts subordinate to them, shall have the same powers and shall follow the same procedure as they respectively have and follow in regard to civil suits.

PART II.

PROCEEDINGS FROM ACT OF INSOLVENCY TO DISCHARGE.

Acts of Insolvency.

Acts of insolvency.

6. A debtor commits an act of insolvency in each of the following cases, namely :—

(*a*) if, in British India or elsewhere, he makes a transfer of all or substantially all his property to a third person for the benefit of his creditors generally ;

(*b*) if, in British India or elsewhere, he makes a transfer of his property or of any part thereof

thereof with intent to defeat or delay his creditors;

(*c*) if, in British India or elsewhere, he makes any transfer of his property, or of any part thereof, which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged an insolvent;

(*d*) if, with intent to defeat or delay his creditors,—

(*i*) he departs or remains out of British India,

(*ii*) he departs from his dwelling-house or usual place of business or otherwise absents himself,

(*iii*) he secludes himself so as to deprive his creditors of the means of communicating with him;

(*e*) if any of his property has been sold in execution of the decree of any Court for the payment of money;

(*f*) if he petitions to be adjudged an insolvent under the provisions of this Act;

(*g*) if he gives notice to any of his creditors that he has suspended, or that he is about to suspend, payment of his debts; or

(*h*) if he is imprisoned in execution of the decree of any Court for the payment of money.

Explanation.—For the purposes of this section the act of an agent may be the act of the principal.

Petition.

Petition and adjudication.

7. Subject to the conditions specified in this Act, if a debtor commits an act of insolvency, an insolvency petition may be presented either by a creditor or by the debtor, and the Court may on such petition make an order (hereinafter called an order of adjudication) adjudging him an insolvent.

Explanation.—

Explanation.—The presentation of a petition by the debtor shall be deemed an act of insolvency within the meaning of this section, and on such petition the Court may make an order of adjudication.

8. No insolvency petition shall be presented against any corporation or against any association or company registered under any enactment for the time being in force. Exemption of corporation, etc., from insolvency proceedings.

9. (*1*) A creditor shall not be entitled to present an insolvency petition against a debtor unless— Conditions on which creditor may petition.

(*a*) the debt owing by the debtor to the creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to such creditors, amounts to five hundred rupees, and

(*b*) the debt is a liquidated sum payable either immediately or at some certain future time, and

(*c*) the act of insolvency on which the petition is grounded has occurred within three months before the presentation of the petition.

(*2*) If the petitioning creditor is a secured creditor, he shall in his petition either state that he is willing to relinquish his security for the benefit of the creditors in the event of the debtor being adjudged insolvent, or give an estimate of the value of the security. In the latter case, he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him after deducting the value so estimated in the same way as if he were an unsecured creditor.

10. (*1*) A debtor shall not be entitled to present an insolvency petition, unless he is unable to pay his debts and— Conditions on which debtor may petition.

(*a*) his debts amount to five hundred rupees; or

(*b*) he is under arrest or imprisonment in execution of the decree of any Court for the payment of money; or

(*c*) an

(*c*) an order of attachment in execution of such a decree has been made, and is subsisting, against his property.

(*2*) A debtor in respect of whom an order of adjudication made under this Act has been annulled, owing to his failure to apply, or to prosecute an application for his discharge, shall not be entitled to present an insolvency petition without the leave of the Court by which the order of adjudication was annulled. Such Court shall not grant leave unless it is satisfied either that the debtor was prevented by any reasonable cause from presenting or prosecuting his application, as the case may be, or that the petition is founded on facts substantially different from those contained in the petition on which the order of adjudication was made.

Court to which petition shall be presented.

11. Every insolvency petition shall be presented to a Court having jurisdiction under this Act in any local area in which the debtor ordinarily resides or carries on business, or personally works for gain, or if he has been arrested or imprisoned, where he is in custody:

Provided that no objection as to the place of presentment shall be allowed by any Court in the exercise of appellate or revisional jurisdiction unless such objection was taken in the Court by which the petition was heard at the earliest possible opportunity, and unless there has been a consequent failure of justice.

Verification of petition.

12. Every insolvency petition shall be in writing and shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1908, for signing and verifying plaints. V of 1908.

Contents of petition.

13. (*1*) Every insolvency petition presented by a debtor shall contain the following particulars, namely:—

(*a*) a statement that the debtor is unable to pay his debts;

(*b*) the place where he ordinarily resides or carries on business or personally works for gain,

gain, or, if he has been arrested or imprisoned, the place where he is in custody;

(*c*) the Court (if any) by whose order he has been arrested or imprisoned, or by which an order has been made for the attachment of his property, together with particulars of the decree in respect of which any such order has been made;

(*d*) the amount and particulars of all pecuniary claims against him, together with the names and residences of his creditors so far as they are known to, or can by the exercise of reasonable care and diligence be ascertained by, him;

(*e*) the amount and particulars of all his property, together with—

(*i*) a specification of the value of all such property not consisting of money;

(*ii*) the place or places at which any such property is to be found; and

(*iii*) a declaration of his willingness to place at the disposal of the Court all such property save in so far as it includes such particulars (not being his books of account) as are exempted by the Code of Civil Procedure, 1908, or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree;

V of 1908

(*f*) a statement whether the debtor has on any previous occasion filed a petition to be adjudged an insolvent, and (where such a petition has been filed)—

(*i*) if such petition has been dismissed, the reasons for such dismissal, or

(*ii*) if the debtor has been adjudged an insolvent, concise particulars of the insolvency, including a statement whether any previous adjudication has

has been annulled and, if so, the grounds therefor.

(*2*) Every insolvency petition presented by a creditor or creditors shall set forth the particulars regarding the debtor specified in clause (*b*) of sub-section (*1*), and shall also specify—

(*a*) the act of insolvency committed by such debtor, together with the date of its commission; and

(*b*) the amount and particulars of his or their pecuniary claim or claims against such debtor.

Withdrawal of petitions.

14. No petition, whether presented by a debtor or by a creditor, shall be withdrawn without the leave of the Court

Consolidation of petitions.

15. Where two or more insolvency petitions are presented against the same debtor, or where separate petitions are presented against joint debtors, the Court may consolidate the proceedings or any of them, on such terms as the Court thinks fit.

Power to change carriage of proceedings.

16. Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of a petitioning creditor.

Continuance of proceedings on death of debtor.

17. If a debtor by or against whom an insolvency petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued so far as may be necessary for the realisation and distribution of the property of the debtor.

Procedure for admission of petition.

18. The procedure laid down in the Code of Civil Procedure, 1908, with respect to the admission of plaints, shall, so far as it is applicable, be followed in the case of insolvency petitions. V of 1908.

Procedure on admission of petition.

19. (*1*) Where an insolvency petition is admitted, the Court shall make an order fixing a date for hearing the petition.

(*2*) Notice of the order under sub-section (*1*) shall be given to creditors in such manner as may be prescribed.

(*3*) Where

(3) Where the debtor is not the petitioner, notice of the order under sub-section (1) shall be served on him in the manner provided for the service of summons.

20. The Court when making an order admitting the petition may, and where the debtor is the petitioner ordinarily shall, appoint an interim receiver of the property of the debtor or of any part thereof, and may direct him to take immediate possession thereof or of any part thereof, and the interim receiver shall thereupon have such of the powers conferrable on a receiver appointed under the Code of Civil Procedure, 1908, as the Court may direct. If an interim receiver is not so appointed, the Court may make such appointment at any subsequent time before adjudication, and the provisions of this sub-section shall apply accordingly. Appointment of interim receiver.

V of 1908

21. At the time of making an order admitting the petition or at any subsequent time before adjudication the Court may either of its own motion or on the application of any creditor make one or more of the following orders, namely :— Interim proceedings against debtor.

(1) order the debtor to give reasonable security for his appearance until final orders are made upon the petition, and direct that, in default of giving such security, he shall be detained in the civil prison ;

(2) order the attachment by actual seizure of the whole or any part of the property in the possession or under the control of the debtor, other than such particulars (not being his books of account) as are exempted by the Code of Civil Procedure, 1908, or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree ;

V of 1908

(3) order a warrant to issue with or without bail for the arrest of the debtor, and direct either that he be detained in the civil prison until the disposal of the petition, or that he be released on such terms as to security as may be reasonable and necessary :

Provided that an order under clause (2) or clause (3) shall not be made unless the Court is satisfied that the

the debtor, with intent to defeat or delay his creditors or to avoid any process of the Court,—

(*i*) has absconded or has departed from the local limits of the jurisdiction of the Court, or is about to abscond or to depart from such limits, or is remaining outside them, or

(*ii*) has failed to disclose or has concealed, destroyed, transferred or removed from such limits, or is about to conceal, destroy, transfer or remove from such limits, any documents likely to be of use to his creditors in the course of the hearing, or any part of his property other than such particulars as aforesaid.

Duties of debtors.

22. The debtor shall on the making of an order admitting the petition produce all books of account, and shall at any time thereafter give such inventories of his property, and such lists of his creditors and debtors and of the debts due to and from them, respectively, submit to such examination in respect of his property or his creditors, attend at such times before the Court or receiver, execute such instruments, and generally do all such acts and things in relation to his property as may be required by the Court or receiver, or as may be prescribed.

Release of debtor.

23. (*1*) At the time of making an order admitting the petition or at any subsequent time before adjudication, the Court may, if the debtor is under arrest or imprisonment in execution of the decree of any Court for the payment of money, order his release on such terms as to security as may be reasonable and necessary.

(*2*) The Court may at any time order any person who has been released under this section to be re-arrested and re-committed to the custody from which he was released.

(*3*) At the time of making any order under this section, the Court shall record in writing its reasons therefor.

Procedure at hearing.

24. (*1*) On the day fixed for the hearing of the petition, or on any subsequent day to which the hearing may

may be adjourned, the Court shall require proof of the following matters, namely :—

(*a*) that the creditor or the debtor, as the case may be, is entitled to present the petition :

Provided that, where the debtor is the petitioner, he shall, for the purpose of proving his inability to pay his debts, be required to furnish only such proof as to satisfy the Court that there are *primâ facie* grounds for believing the same and the Court, if and when so satisfied, shall not be bound to hear any further evidence thereon ;

(*b*) that the debtor, if he does not appear on a petition presented by a creditor, has been served with notice of the order admitting the petition ; and

(*c*) that the debtor has committed the act of insolvency alleged against him.

(*2*) The Court shall also examine the debtor, if he is present, as to his conduct, dealings and property in the presence of such creditors as appear at the hearing, and the creditors shall have the right to question the debtor thereon.

(*3*) The Court shall, if sufficient cause is shown, grant time to the debtor or to any creditor to produce any evidence which appears to it to be necessary for the proper disposal of the petition.

(*4*) A memorandum of the substance of the examination of the debtor and of any other oral evidence given shall be made by the Judge, and shall form part of the record of the case.

Dismissal of petition.

25. (*1*) In the case of a petition presented by a creditor, where the Court is not satisfied with the proof of his right to present the petition or of the service on the debtor of notice of the order admitting the petition, or of the alleged act of insolvency, or is satisfied by the debtor that he is able to pay his debts, or that for any other sufficient cause no order ought to be made, the Court shall dismiss the petition.

(*2*) In the case of a petition presented by a debtor, the Court shall dismiss the petition if it is not satisfied of his right to present the petition.

26. (*1*) Where

Award of compensation.

26. (*1*) Where a petition presented by a creditor is dismissed under sub-section (*1*) of section 25, and the Court is satisfied that the petition was frivolous or vexatious, the Court may on the application of the debtor, award against such creditor such amount, not exceeding one thousand rupees, as it deems a reasonable compensation to the debtor for the expense or injury occasioned to him by the petition and the proceedings thereon, and such amount may be realised as if it were a fine.

(*2*) An award under this section shall bar any suit for compensation in respect of such petition and the proceedings thereon.

Order of Adjudication.

Order of adjudication

27. (*1*) If the Court does not dismiss the petition, it shall make an order of adjudication, and shall specify in such order the period within which the debtor shall apply for his discharge.

(*2*) The Court may, if sufficient cause is shown, extend the period within which the debtor shall apply for his discharge, and in that case shall publish notice of the order in such manner as it thinks fit.

Effect of an order of adjudication.

28. (*1*) On the making of an order of adjudication, the insolvent shall aid to the utmost of his power in the realisation of his property and the distribution of the proceeds among his creditors.

(*2*) On the making of an order of adjudication, the whole of the property of the insolvent shall vest in the Court or in a receiver as hereinafter provided, and shall become divisible among the creditors, and thereafter, except as provided by this Act, no creditor to whom the insolvent is indebted in respect of any debt provable under this Act shall during the pendency of the insolvency proceedings have any remedy against the property of the insolvent in respect of the debt, or commence any suit or other legal proceeding, except with the leave of the Court and on such terms as the Court may impose.

(*3*) For the purposes of sub-section (*2*), all goods being at the date of the presentation of the petition on which

on which the order is made, in the possession, order or disposition of the insolvent in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof, shall be deemed to be the property of the insolvent.

(*4*) All property which is acquired by or devolves on the insolvent after the date of an order of adjudication and before his discharge shall forthwith vest in the Court or receiver, and the provisions of sub-section (*2*) shall apply in respect thereof.

(*5*) The property of the insolvent for the purposes of this section shall not include any property (not being books of account) which is exempted by the Code of Civil Procedure, 1908, or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree.

V of 1908.

(*6*) Nothing in this section shall affect the power of any secured creditor to realise or otherwise deal with his security, in the same manner as he would have been entitled to realise or deal with it if this section had not been passed.

(*7*) An order of adjudication shall relate back to, and take effect from, the date of the presentation of the petition on which it is made.

Stay of pending proceeding.

29. Any Court in which a suit or other proceeding is pending against a debtor shall, on proof that an order of adjudication has been made against him under this Act, either stay the proceeding, or allow it to continue on such terms as such Court may impose.

Publication of order of adjudication.

30. Notice of an order of adjudication stating the name, address and description of the insolvent, the date of the adjudication, the period within which the debtor shall apply for his discharge, and the Court by which the adjudication is made, shall be published in the local official Gazette and in such other manner as may be prescribed.

Proceedings consequent on order of adjudication.

Protection order.

31. (*1*) Any insolvent in respect of whom an order of adjudication has been made may apply to the Court

Court for protection, and the Court may on such application make an order for the protection of the insolvent from arrest or detention.

(*2*) A protection order may apply either to all the debts of the debtor, or to any of them as the Court may think proper, and may commence and take effect at and for such time as the Court may direct, and may be revoked or renewed as the Court may think fit.

(*3*) A protection order shall protect the insolvent from being arrested or detained in prison for any debt to which such order applies, and any insolvent arrested or detained contrary to the terms of such an order shall be entitled to his release:

Provided that no such order shall operate to prejudice the rights of any creditor in the event of such order being revoked or the adjudication annulled.

(*4*) Any creditor shall be entitled to appear and oppose the grant of a protection order.

Power to arrest after adjudication.

32. At any time after an order of adjudication has been made, the Court may, if it has reason to believe on the application of any creditor or the receiver, that the debtor has absconded or departed from the local limits of its jurisdiction with intent to avoid any obligation which has been, or might be, imposed on him by or under this Act, order a warrant to issue for his arrest, and on his appearing or being brought before it, may, if satisfied that he was absconding or had departed with such intent, order his release on such terms as to security as may be reasonable or necessary, or if such security is not furnished, direct that he shall be detained in the civil prison for a period which may extend to three months.

Schedule of creditors.

33. (*1*) When an order of adjudication has been made under this Act, all persons alleging themselves to be creditors of the insolvent in respect of debts provable under this Act shall tender proof of their respective debts by producing evidence of the amount and particulars thereof, and the Court shall, by order, determine the persons who have proved themselves to be creditors of the insolvent in respect of such debts, and

and the amount of such debts, respectively, and shall frame a schedule of such persons and debts:

Provided that, if, in the opinion of the Court, the value of any debt is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt shall not be included in the schedule.

(*2*) A copy of every such schedule shall be posted in the Court-house.

(*3*) Any creditor of the insolvent may, at any time before the discharge of the insolvent, tender proof of his debt and apply to the Court for an order directing his name to be entered in the schedule as a creditor in respect of any debt provable under this Act, and not entered in the schedule, and the Court, after causing notice to be served on the insolvent and the other creditors who have proved their debts, and hearing their objections (if any), shall comply with or reject the application.

Debts provable under the Act.

34. (*1*) Debts which have been excluded from the schedule on the ground that their value is incapable of being fairly estimated and demands in the nature of unliquidated damages arising otherwise than by reason of a contract or a breach of trust shall not be provable under this Act.

(*2*) Save as provided by sub-section (*1*), all debts and liabilities, present or future, certain or contingent, to which the debtor is subject when he is adjudged an insolvent, or to which he may become subject before his discharge by reason of any obligation incurred before the date of such adjudication, shall be deemed to be debts provable under this Act.

Annulment of adjudication.

Power to annul adjudication of insolvency.

35. Where, in the opinion of the Court, a debtor ought not to have been adjudged insolvent, or where it is proved to the satisfaction of the Court that the debts of the insolvent have been paid in full, the Court shall, on the application of the debtor, or of any other person interested, by order in writing, annul the adjudication.

36. If,

Power to cancel one of concurrent orders of adjudication.

36. If, in any case in which an order of adjudication has been made, it shall be proved to the Court by which such order was made that insolvency proceedings are pending in another Court against the same debtor, and that the property of the debtor can be more conveniently distributed by such other Court, the Court may annul the adjudication or stay all proceedings thereon.

Proceedings on annulment.

37. (*1*) Where an adjudication is annulled, all sales and dispositions of property and payments duly made, and all acts theretofore done, by the Court or receiver, shall be valid; but, subject as aforesaid, the property of the debtor who was adjudged insolvent shall vest in such person as the Court may appoint, or, in default of any such appointment, shall revert to the debtor to the extent of his right or interest therein on such conditions (if any) as the Court may, by order in writing, declare.

(*2*) Notice of every order annulling an adjudication shall be published in the local official Gazette and in such other manner as may be prescribed.

Compositions and schemes of arrangement.

Compositions and schemes of arrangement.

38. (*1*) Where a debtor after the making of an order of adjudication, submits a proposal for a composition in satisfaction of his debts, or a proposal for a scheme of arrangement of his affairs, the Court shall fix a date for the consideration of the proposal, and shall issue a notice to all creditors in such manner as may be prescribed.

(*2*) If, on the consideration of the proposal, a majority in number and three-fourths in value of all the creditors whose debts are proved and who are present in person or by pleader, resolve to accept the proposal, the same shall be deemed to be duly accepted by the creditors.

(*3*) The debtor may at the meeting amend the terms of his proposal if the amendment is, in the opinion of the Court, calculated to benefit the general body of creditors.

(*4*) Where the Court is of opinion, after hearing the report of the receiver, if a receiver has been appointed,

appointed, and after considering any objections which may be made by or on behalf of any creditor, that the terms of the proposal are not reasonable or are not calculated to benefit the general body of creditors, the Court shall refuse to approve the proposal.

(5) If any facts are proved on proof of which the Court would be required either to refuse, suspend or attach conditions to the debtor's discharge, the Court shall refuse to approve the proposal unless it provides reasonable security for payment of not less than six annas in the rupee on all the unsecured debts provable against the debtor's estate.

(6) No composition or scheme shall be approved by the Court which does not provide for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of an insolvent.

(7) In any other case the Court may either approve or refuse to approve the proposal.

Order on approval.

39. If the Court approves the proposal, the terms shall be embodied in an order of the Court, and the Court shall frame a schedule in accordance with the provisions of section 33, the order of adjudication shall be annulled, and the provisions of section 37 shall apply, and the composition or scheme shall be binding on all the creditors entered in the said schedule so far as relates to any debts entered therein.

Power to re-adjudge debtor insolvent.

40. If default is made in the payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, re-adjudge the debtor insolvent and annul the composition or scheme but without prejudice to the validity of any transfer or payment duly made or of anything duly done under or in pursuance of the composition or scheme. When a debtor is re-adjudged insolvent under this section, all debts provable in other respects which have been contracted before the date of

such

such re-adjudication shall be provable in the insolvency.

Discharge.

Discharge.

41. (*1*) A debtor may, at any time after the order of adjudication and shall, within the period specified by the Court, apply to the Court for an order of discharge, and the Court shall fix a day, notice whereof shall be given in such manner as may be prescribed, for hearing such application, and any objections which may be made thereto.

(*2*) Subject to the provisions of this section, the Court may, after considering the objections of any creditor and, where a receiver has been appointed, the report of the receiver—

(*a*) grant or refuse an absolute order of discharge ; or

(*b*) suspend the operation of the order for a specified time ; or

(*c*) grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the insolvent, or with respect to his after-acquired property.

Cases in which Court must refuse an absolute discharge.

42. (*1*) The Court shall refuse to grant an absolute order of discharge under section 41 on proof of any of the following facts, namely :—

(*a*) that the insolvent's assets are not of a value equal to eight annas in the rupee on the amount of his unsecured liabilities, unless he satisfies the Court that the fact that the assets are not of a value equal to eight annas in the rupee on the amount of his unsecured liabilities has arisen from circumstances for which he cannot justly be held responsible ;

(*b*) that the insolvent has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently

sufficiently disclose his business transactions and financial position within the three years immediately preceding his insolvency;

(*c*) that the insolvent has continued to trade after knowing himself to be insolvent;

(*d*) that the insolvent has contracted any debt provable under this Act without having at the time of contracting it any reasonable or probable ground of expectation (the burden of proving which shall lie on him) that he would be able to pay it;

(*e*) that the insolvent has failed to account satisfactorily for any loss of assets or for any deficiency of assets to meet his liabilities;

(*f*) that the insolvent has brought on, or contributed to, his insolvency by rash and hazardous speculations, or by unjustifiable extravagance in living, or by gambling, or by culpable neglect of his business affairs;

(*g*) that the insolvent has, within three months preceding the date of the presentation of the petition, when unable to pay his debts as they became due, given an undue preference to any of his creditors;

(*h*) that the insolvent has on any previous occasion been adjudged an insolvent or made a composition or arrangement with his creditors;

(*i*) that the insolvent has concealed or removed his property or any part thereof, or has been guilty of any other fraud or fraudulent breach of trust.

(*2*) For the purposes of this section, the report of the receiver shall be deemed to be evidence; and the Court may presume the correctness of any statement contained therein.

(*3*) The powers of suspending, and of attaching conditions to, an insolvent's discharge may be exercised concurrently.

43. (*1*) If

Adjudication to be annulled on failure to apply for discharge.

43. (*1*) If the debtor does not appear on the day fixed for hearing his application for discharge or on such subsequent day as the Court may direct, or if the debtor does not apply for an order of discharge within the period specified by the Court, the order of adjudication shall be annulled, and the provisions of section 37 shall apply accordingly.

(*2*) Where a debtor has been released from custody under the provisions of this Act and the order of adjudication is annulled under sub-section (*1*), the Court may, if it thinks fit, re-commit the debtor to his former custody, and the officer in charge of the prison to whose custody such debtor is so re-committed shall receive such debtor into his custody according to such re-commitment, and thereupon all processes which were in force against the person of such debtor at the time of such release as aforesaid shall be deemed to be still in force against him as if no order of adjudication had been made.

Effect of order of discharge.

44. (*1*) An order of discharge shall not release the insolvent from—

(*a*) any debt due to the Crown;

(*b*) any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party;

(*c*) any debt or liability in respect of which he has obtained forbearance by any fraud to which he was a party; or

(*d*) any liability under an order for maintenance made under section 488 of the Code of Criminal Procedure, 1898. V of 1898.

(*2*) Save as otherwise provided by sub-section (*1*), an order of discharge shall release the insolvent from all debts provable under this Act.

(*3*) An order of discharge shall not release any person who, at the date of the presentation of the petition, was a partner or co-trustee with the insolvent, or was jointly bound or had made any joint contract with him or any person who was surety for him.

PART III

PART III.

ADMINISTRATION OF PROPERTY.

Method of proof of debts.

45. A creditor may prove for a debt not payable when the debtor is adjudged an insolvent as if it were payable presently, and may receive dividends equally with the other creditors, deducting therefrom only a rebate of interest at the rate of six per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable, according to the terms on which it was contracted. Debt payable at a future time.

46. Where there have been mutual dealings between an insolvent and a creditor proving or claiming to prove a debt under this Act, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively. Mutual dealings and set-off.

47. (*1*) Where a secured creditor realises his security, he may prove for the balance due to him, after deducting the net amount realised. Secured creditors.

(*2*) Where a secured creditor relinquishes his security for the general benefit of the creditors, he may prove for his whole debt.

(*3*) Where a secured creditor does not either realise or relinquish his security, he shall, before being entitled to have his debt entered in the schedule, state in his proof the particulars of his security, and the value at which he assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

(*4*) Where a security is so valued, the Court may at any time before realisation redeem it on payment to the creditor of the assessed value.

(5) Where

(5) Where a creditor, after having valued his security, subsequently realises it, the net amount realised shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

(6) Where a secured creditor does not comply with the provisions of this section, he shall be excluded from all share in any dividend.

Interest.

48. (1) On any debt or sum certain whereon interest is not reserved or agreed for, and which is overdue when the debtor is adjudged an insolvent, and which is provable under this Act, the creditor may prove for interest at a rate not exceeding six per centum per annum—

(a) if the debt or sum is payable by virtue of a written instrument at a certain time, from the time when such debt or sum was payable to the date of such adjudication; or,

(b) if the debt or sum is payable otherwise, from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment to the date of such adjudication.

(2) Where a debt which has been proved under this Act includes interest or any pecuniary consideration in lieu of interest, the interest or consideration shall, for the purposes of dividend be calculated at a rate not exceeding six per centum per annum, without prejudice to the right of a creditor to receive out of the debtor's estate any higher rate of interest to which he may be entitled after all the debts proved have been paid in full.

Mode of proof.

49. (1) A debt may be proved under this Act by delivering, or sending by post in a registered letter, to the Court an affidavit verifying the debt.

(2) The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers (if any) by which the

the same can be substantiated. The Court may at any time call for the production of the vouchers.

Disallowance and reduction of entries in schedule.

50. (*1*) Where the receiver thinks that a debt has been improperly entered in the schedule, the Court may, on the application of the receiver and after notice to the creditor, and such inquiry (if any) as the Court thinks necessary, expunge such entry or reduce the amount of the debt.

(*2*) The Court may also, after like inquiry, expunge an entry or reduce the amount of a debt upon the application of a creditor where no receiver has been appointed, or where the receiver declines to interfere in the matter or, in the case of a composition or scheme, upon the application of the debtor.

Effect of insolvency on antecedent transactions.

Restriction of rights of creditor under execution.

51. (*1*) Where execution of a decree has issued against the property of a debtor, no person shall be entitled to the benefit of the execution against the receiver except in respect of assets realised in the course of the execution by sale or otherwise before the date of the admission of the petition.

(*2*) Nothing in this section shall affect the rights of a secured creditor in respect of the property against which the decree is executed.

(*3*) A person who in good faith purchases the property of a debtor under a sale in execution shall in all cases acquire a good title to it against the receiver.

Duties of Court executing decree as to property taken in execution.

52. Where execution of a decree has issued against any property of a debtor which is saleable in execution and before the sale thereof notice is given to the Court executing the decree that an insolvency petition by or against the debtor has been admitted, the Court shall, on application, direct the property, if in the possession of the Court, to be delivered to the receiver, but the costs of the suit in which the decree was made and of the execution shall be a first charge on the property so delivered, and the receiver may sell the property or an adequate part thereof for the purpose of satisfying the charge.

53. Any

Avoidance of voluntary transfer.

53. Any transfer of property not being a transfer made before and in consideration of marriage or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration shall, if the transferor is adjudged insolvent within two years after the date of the transfer, be voidable as against the receiver and may be annulled by the Court.

Avoidance of preference in certain cases

54. (*1*) Every transfer of property, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, with a view of giving that creditor a preference over the other creditors, shall, if such person is adjudged insolvent on a petition presented within three months after the date thereof, be deemed fraudulent and void as against the receiver, and shall be annulled by the Court.

(*2*) This section shall not affect the rights of any person who in good faith and for valuable consideration has acquired a title through or under a creditor of the insolvent.

Protection of *bonâ fide* transactions.

55. Subject to the foregoing provisions of this Act with respect to the effect of insolvency on an execution, and with respect to the avoidance of certain transfers and preferences, nothing in this Act shall invalidate in the case of an insolvency—

(*a*) any payment by the insolvent to any of his creditors;

(*b*) any payment or delivery to the insolvent;

(*c*) any transfer by the insolvent for valuable consideration; or

(*d*) any contract or dealing by or with the insolvent for valuable consideration:

Provided that any such transaction takes place before the date of the order of adjudication, and that the person with whom such transaction takes place has not at the time notice of the presentation of any insolvency petition by or against the debtor.

Realisation

Realisation of Property.

56. (*1*) The Court may, at the time of the order of adjudication, or at any time afterwards, appoint a receiver for the property of the insolvent, and such property shall thereupon vest in such receiver. Appointment of receiver.

(*2*) Subject to such conditions as may be prescribed, the Court may—

(*a*) require the receiver to give such security as it thinks fit duly to account for what he shall receive in respect of the property; and

(*b*) by general or special order, fix the amount to be paid as remuneration for the services of the receiver out of the assets of the insolvent.

(*3*) Where the Court appoints a receiver, it may remove the person in whose possession or custody any such property as aforesaid is from the possession or custody thereof:

Provided that nothing in this section shall be deemed to authorise the Court to remove from the possession or custody of property any person whom the insolvent has not a present right so to remove.

(*4*) Where a receiver appointed under this section—

(*a*) fails to submit his accounts at such periods and in such form as the Court directs, or

(*b*) fails to pay the balance due from him thereon as the Court directs, or

(*c*) occasions loss to the property by his wilful default or gross negligence,

the Court may direct his property to be attached and sold, and may apply the proceeds to make good any balance found to be due from him or any loss so occasioned by him.

(*5*) The provisions of this section shall apply, so far as may be, to interim receivers appointed under section 20.

57. (*1*) The

Power to appoint Official Receivers.

57. (*1*) The Local Government may appoint such persons as it thinks fit (to be called "Official Receivers") to be receivers under this Act within such local limits as it may prescribe.

(*2*) Where any Official Receiver has been so appointed for the local limits of the jurisdiction of any Court having jurisdiction under this Act, he shall be the receiver for the purpose of every order appointing a receiver or an interim receiver issued by any such Court, unless the Court for special reasons otherwise directs.

(*3*) Any sum payable under clause (*b*) of sub-section (*2*) of section 56 in respect of the services of an Official Receiver shall be credited to such fund as the Local Government may direct.

(*4*) Every Official Receiver shall receive such remuneration out of the said fund or otherwise as the Local Government may fix in this behalf, and no remuneration whatever beyond that so fixed shall be received by the Official Receiver as such.

Powers of Court if no receiver appointed.

58. Where no receiver is appointed, the Court shall have all the rights of, and may exercise all the powers conferred on, a receiver under this Act.

Duties and powers of receiver.

59. Subject to the provisions of this Act, the receiver shall, with all convenient speed, realise the property of the debtor and distribute dividends among the creditors entitled thereto, and for that purpose may—

(*a*) sell all or any part of the property of the insolvent;

(*b*) give receipts for any money received by him;

and may, by leave of the Court, do all or any of the following things, namely:—

(*c*) carry on the business of the insolvent so far as may be necessary for the beneficial winding up of the same;

(*d*) institute, defend or continue any suit or other legal proceeding relating to the property of the insolvent;

(*e*) employ

(*e*) employ a pleader or other agent to take any proceedings or do any business which may be sanctioned by the Court;

(*f*) accept as the consideration for the sale of any property of the insolvent a sum of money payable at a future time subject to such stipulations as to security and otherwise as the Court thinks fit;

(*g*) mortgage or pledge any part of the property of the insolvent for the purpose of raising money for the payment of his debts;

(*h*) refer any dispute to arbitration, and compromise all debts, claims and liabilities, on such terms as may be agreed upon; and

(*i*) divide in its existing form amongst the creditors, according to its estimated value any property which, from its peculiar nature or other special circumstances, cannot readily or advantageously be sold.

Special provisions in regard to immoveable property.

V of 1908.

60. (*1*) In any local area in which a declaration has been made under section 68 of the Code of Civil Procedure, 1908, and is in force, no sale of immoveable property paying revenue to the Government or held or let for agricultural purposes shall be made by the receiver; but, after the other property of the insolvent has been realised, the Court shall ascertain—

(*a*) the amount required to satisfy the debts proved under this Act after deducting the monies already received;

(*b*) the immoveable property of the insolvent remaining unsold; and

(*c*) the incumbrances (if any) existing thereon;

and shall forward a statement to the Collector containing the particulars aforesaid; and thereupon the Collector shall proceed to raise the amount so required by the exercise of such of the powers conferred on him by paragraphs 2 to 10 of the Third Schedule to the said Code as he thinks fit, and subject to the

to the provisions of those paragraphs so far as they are applicable, and shall hold at the disposal of the Court all sums that may come to his hands by the exercise of such powers.

(2) Nothing in this Act shall be deemed to affect any provisions of any enactment for the time being in force prohibiting or restricting the execution of decrees or orders against immoveable property; and any such provisions shall be deemed to apply to the enforcement of an order of adjudication made under this Act as if it were such a decree or order.

Distribution of Property.

Priority of debts.

61. (*1*) In the distribution of the property of the insolvent, there shall be paid in priority to all other debts—

(*a*) all debts due to the Crown or to any local authority; and

(*b*) all salary or wages, not exceeding twenty rupees in all, of any clerk, servant or labourer in respect of services rendered to the insolvent during four months before the date of the presentation of the petition.

(2) The debts specified in sub-section (*1*) shall rank equally between themselves, and shall be paid in full, unless the property of the insolvent is insufficient to meet them, in which case they shall abate in equal proportions between themselves.

(*3*) Subject to the retention of such sums as may be necessary for the expenses of administration or otherwise, the debts specified in sub-section (*1*) shall be discharged forthwith in so far as the property of the insolvent is sufficient to meet them.

(*4*) In the case of partners, the partnership property shall be applicable in the first instance in payment of the partnership debts, and the separate property of each partner shall be applicable in the first instance in payment of his separate debts. Where there is a surplus of the separate property of the

the partners, it shall be dealt with as part of the partnership property; and where there is a surplus of the partnership property, it shall be dealt with as part of the respective separate property in proportion to the rights and interests of each partner in the partnership property.

(*5*) Subject to the provisions of this Act, all debts entered in the schedule shall be paid rateably according to the amounts of such debts respectively and without any preference.

(*6*) Where there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date on which the debtor is adjudged an insolvent at the rate of six per centum per annum on all debts entered in the schedule.

Calculation of dividends.

62. (*1*) In the calculation of dividends, the receiver shall retain in his hands sufficient assets to meet—

(*a*) debts provable under this Act and appearing, from the insolvent's statements or otherwise, to be due to persons resident in places so distant that in the ordinary course of communication they have not had sufficient time to tender their proofs;

(*b*) debts provable under this Act, the subject of claims not yet determined;

(*c*) disputed proofs or claims; and

(*d*) the expenses necessary for the administration of the estate or otherwise.

(*2*) Subject to the provisions of sub-section (*1*), all money in hand shall be distributed as dividends.

Right of creditor who has not proved debt before declaration of a dividend.

63. Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid, out of any money for the time being in the hands of the receiver, any dividend or dividends which he may have failed to receive before that money is applied to the payment of any future dividend or dividends; but he shall not be entitled to disturb the distribution of any dividend declared

declared before his debt was proved by reason that he has not participated therein.

Final dividend.

64. When the receiver has realised all the property of the insolvent or so much thereof as can, in the opinion of the Court, be realised without needlessly protracting the receivership, he shall declare a final dividend; but before so doing, he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified but not proved, that if they do not prove their claims within the time limited by the notice, he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or if the Court, on application by any such claimant, grants him further time for establishing his claim, then on the expiration of such further time, the property of the insolvent shall be divided among the creditors entered in the schedule without regard to the claims of any other persons.

No suit for dividend.

65. No suit for a dividend shall lie against the receiver; but where the receiver refuses to pay any dividend, the Court may, on the application of any creditor who is entered in the schedule, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application.

Management by and allowance to insolvent.

66. (*1*) The Court may appoint the insolvent himself to superintend the management of the property of the insolvent or of any part thereof, or to carry on the trade (if any) of the insolvent for the benefit of the creditors, and in any other respect to aid in administering the property in such manner and on such terms as the Court may direct.

(2) The Court may, from time to time, make such allowance as it may think just to the insolvent out of his property for the support of himself and his family, or in consideration of his services if he is engaged in winding up his estate; but any such allowance may, at any time, be varied or determined by the Court.

Right of insolvent to surplus.

67. The insolvent shall be entitled to any surplus remaining after payment in full of his creditors with

with interest as provided by this Act, and of the expenses of the proceedings taken thereunder.

Appeal to Court against receiver.

68. If the insolvent or any of the creditors or any other person is aggrieved by any act or decision of the receiver, he may apply to the Court, and the Court may confirm, reverse or modify the act or decision complained of, and make such order as it thinks just: Appeal to Court against receiver.

Provided that no application under this section shall be entertained after the expiration of twenty-one days from the date of the act or decision complained of.

PART IV.

PENALTIES.

69. If a debtor, whether before or after the making of an order of adjudication,— Offences by debtors.

(*a*) wilfully fails to perform the duties imposed on him by section 22 or to deliver up possession of any part of his property which is divisible among his creditors under this Act, and which is for the time being in his possession or under his control to the Court or to any person authorised by the Court to take possession of it, or

(*b*) fraudulently with intent to conceal the state of his affairs or to defeat the objects of this Act,—

(*i*) has destroyed or otherwise wilfully prevented or purposely withheld the production of any document relating to such of his affairs as are subject to investigation under this Act, or

(*ii*) has kept or caused to be kept false books, or

(*iii*) has

(*iii*) has made false entries in or withheld entries from or wilfully altered or falsified any document relating to such of his affairs as are subject to investigation under this Act, or

(*c*) fraudulently with intent to diminish the sum to be divided among his creditors or to give an undue preference to any of his creditors,—

(*i*) has discharged or concealed any debt due to or from him, or

(*ii*) has made away with, charged, mortgaged or concealed any part of his property of any kind whatsoever,

he shall be punishable on conviction by the Court with imprisonment which may extend to one year.

Procedure on charge under section 69.

70. (*1*) Where the Court is satisfied that there is ground for inquiring into any offence referred to in section 69, the Court shall direct that a notice be served on the debtor in the manner prescribed in the Code of Criminal Procedure 1898, for service of a summons, calling on him to show cause why a charge or charges should not be framed against him. V of 1898.

(*2*) The notice shall set forth the substance of the offence, and any number of offences may be set forth in the same notice

(*3*) At the hearing of such notice and of any charge framed in pursuance thereof, the Court shall, so far as may be, follow the procedure for the trial of warrant cases by Magistrates prescribed by Chapter XXI of the Code of Criminal Procedure, 1898, and nothing in Chapter XXIII of the said Code relating to trials before High Courts and Courts of Session shall be applicable to such trial. V of 1898.

(*4*) Any number of offences under this section may be charged at the same time :

Provided that no debtor shall be sentenced to imprisonment exceeding an aggregate period of two years for offences under this section committed in the course of the same insolvency proceeding.

(*5*) The

(5) The Court may, instead of itself inquiring into an offence under section 69 make a complaint thereof in writing to the nearest Magistrate of the first class having jurisdiction, and such Magistrate shall deal with such complaint in the manner laid down in the Code of Criminal Procedure, 1898:

V of 1898.

Provided that it shall not be necessary to examine the complainant.

71. Where an insolvent has been guilty of any of the offences specified in section 69 he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition or scheme of arrangement has been accepted or approved.

Criminal liability after discharge or composition.

72. (*1*) An undischarged insolvent obtaining credit to the extent of fifty rupees or upwards from any person without informing such person that he is an undischarged insolvent shall, on conviction by a Magistrate, be punishable with imprisonment for a term which may extend to six months, or with fine or with both.

Undischarged insolvent obtaining credit.

(*2*) Where the Court has reason to believe that an undischarged insolvent has committed the offence referred to in sub-section (*1*), the Court, after making any preliminary inquiry that may be necessary, may send the case for trial to the nearest Magistrate of the first class, and may send the accused in custody or take sufficient security for his appearance before such Magistrate; and may bind over any person to appear and give evidence on such trial.

73. (*1*) Where a debtor is adjudged or re-adjudged insolvent under this Act, he shall, subject to the provisions of this section, be disqualified from—

Disqualifications of insolvent.

(*a*) being appointed or acting as a Magistrate;

(*b*) being elected to any office of any local authority where the appointment to such office is by election or holding or exercising any such office to which no salary is attached; and

(*c*) being elected or sitting or voting as member of any local authority.

(*2*) The

(2) The disqualifications which an insolvent is subject to under this section shall be removed, and shall cease if—

(*a*) the order of adjudication is annulled under section 35, or

(*b*) he obtains from the Court an order of discharge, whether absolute or conditional, with a certificate that his insolvency was caused by misfortune without any misconduct on his part.

(3) The Court may grant or refuse such certificate as it thinks fit, but any order of refusal shall be subject to appeal.

PART V.

SUMMARY ADMINISTRATION.

Summary administration.

74. When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise that the property of the debtor is not likely to exceed in value five hundred rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications, namely:—

(*i*) unless the Court otherwise directs, no notice required under this Act shall be published in the local official Gazette;

(*ii*) on the admission of a petition by a debtor, the property of the debtor shall vest in the Court as a receiver;

(*iii*) at the hearing of the petition, the Court shall inquire into the debts and assets of the debtor and determine the same by order in writing, and it shall not be necessary to frame a schedule under the provisions of section 33;

(*iv*) the property of the debtor shall be realised with all reasonable despatch and thereafter,

after, when practicable, distributed in a single dividend ;

(*v*) the debtor shall apply for his discharge within six months from the date of adjudication ; and

(*vi*) such other modifications as may be prescribed with the view of saving expense and simplifying procedure :

Provided that the Court may at any time direct that the ordinary procedure provided for in this Act shall be followed in regard to the debtor's estate, and thereafter the Act shall have effect accordingly.

PART VI.

APPEALS.

Appeals.

75. (*1*) The debtor, any creditor, the receiver or any other person aggrieved by a decision come to or an order made in the exercise of insolvency jurisdiction by a Court subordinate to a District Court may appeal to the District Court, and the order of the District Court upon such appeal shall be final :

Provided that the High Court, for the purpose of satisfying itself that an order made in any appeal decided by the District Court was according to law, may call for the case and pass such order with respect thereto as it thinks fit :

Provided, further, that any such person aggrieved by a decision of the District Court on appeal from a decision of a subordinate Court under section 4 may appeal to the High Court on any of the grounds mentioned in sub-section (*1*) of section 100 of the Code of Civil Procedure, 1908.

V of 1908.

(*2*) Any such person aggrieved by any such decision or order of a District Court as is specified in Schedule I, come to or made otherwise than in appeal from an order made by a subordinate Court, may appeal to the High Court.

(*3*) Any such person aggrieved by any other order made by a District Court otherwise than in appeal

appeal from an order made by a subordinate Court may appeal to the High Court by leave of the District Court or of the High Court

(*4*) The periods of limitation for appeals to the District Court and to the High Court under this section shall be thirty days and ninety days, respectively

PART VII

MISCELLANEOUS

Costs

76. The costs of any proceeding under this Act, including the costs of maintaining a debtor in the civil prison, shall, subject to any rules made under this Act, be in the discretion of the Court in which the proceeding is had

Courts to be auxiliary to each other

77. All Courts having jurisdiction in insolvency and the officers of such Courts, respectively, shall severally act in aid of and be auxiliary to each other in all matters of insolvency, and an order of a Court seeking aid with a request to another of the said Courts shall be deemed sufficient to enable the latter Court to exercise, in regard to the matters directed by the order, such jurisdiction as either of such Courts could exercise in regard to similar matters within their respective jurisdictions

Limitation

78. (*1*) The provisions of sections 5 and 12 of the Indian Limitation Act, 1908, shall apply to appeals and applications under this Act, and for the purpose of the said section 12, a decision under section 4 shall be deemed to be a decree IX of 1908

(*2*) Where an order of adjudication has been annulled under this Act, in computing the period of limitation prescribed for any suit or application for the execution of a decree (other than a suit or application in respect of which the leave of the Court was obtained under sub-section (*2*) of section 28) which might have been brought or made but for the making of an order of adjudication under this Act, the period from the date of the order of adjudication to the date of the order of annulment shall be excluded.

Provided

Provided that nothing in this section shall apply to a suit or application in respect of a debt provable but not proved under this Act

79 (*1*) The High Court may, with the previous sanction, in the case of the High Court of Judicature at Fort William in Bengal, of the Governor General in Council, and, in the case of any other High Court, of the Local Government, make rules for carrying into effect the provisions of this Act

Power to make rules

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide—

(*a*) for the appointment and remuneration of receivers (other than Official Receivers), the audit of the accounts of all receivers and the costs of such audit,

(*b*) for meetings of creditors,

(*c*) for the procedure to be followed where the debtor is a firm, and

(*d*) for the procedure to be followed in the case of estates to be administered in a summary manner.

(*3*) All rules made under this section shall be published in the Gazette of India or in the local official Gazette, as the case may be, and shall, on such publication, have effect as if enacted in this Act.

80 (*1*) The High Court, with the like sanction, may from time to time direct that, in any matters in respect of which jurisdiction is given to the Court by this Act, the Official Receiver shall, subject to the directions of the Court, have all or any of the following powers, namely :—

Delegation of powers to Official Receivers

(*a*) to hear insolvency petitions, to examine the debtor and to make orders of adjudication;

(*b*) to frame schedules and to admit or reject proofs of creditors;

(*c*) to grant orders of discharge;

(*d*) to

(*d*) to approve compositions or schemes of arrangement;

(*e*) to make interim orders in any case of urgency; and

(*f*) to hear and determine any unopposed or *ex-parte* application.

(*2*) Subject to the appeal to the Court provided for by section 68, any order made or act done by the Official Receiver in the exercise of the said powers shall be deemed the order or act of the Court

Power of Local Government to bar application of certain provisions to certain Courts

81. Any Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare that any of the provisions of this Act specified in Schedule II shall not apply to insolvency proceedings in any Court or Courts having jurisdiction under this Act in any part of the territories administered by such Local Government.

Savings

82. Nothing in this Act shall—

(*a*) affect the Presidency-towns Insolvency Act, 1909, or section 8 of the Lower Burma Courts Act, 1900, or — III of 1909. VI of 1900.

(*b*) apply to cases to which Chapter IV of the Dekkhan Agriculturists Relief Act, 1879, is applicable. — XVII of 1879.

Repeals

83 (*1*) The enactments mentioned in Schedule III are hereby repealed to the extent specified in the fourth column thereof.

(*2*) Where in any enactment or instrument in force at the date of the commencement of this Act, reference is made to Chapter XX (of Insolvent Judgment-debtors) of the Code of Civil Procedure, 1877, or of the Code of Civil Procedure, 1882, or to any section of either of those Chapters, such reference shall, so far as may be practicable, be construed as applying to this Act or to the corresponding section thereof. — X of 1877 XIV of 1882.

SCHEDULE I.

SCHEDULE I

[*See section 75 (2).*]

Decisions and Orders from which an appeal lies to the High Court under section 75 (2).

Section.	Nature of decision or order
4	Decision of questions of title, priority, etc., arising in insolvency.
25	Order dismissing a petition
26	Order awarding compensation
27	Order of adjudication
33	Orders regarding entries in the schedule
35	Order annulling adjudication
37	Order declaring the conditions on which the debtor's property shall revert to him on annulment of adjudication
41	Order on application for discharge
50	Order disallowing or reducing entries in the schedule.
53	Order annulling a voluntary transfer
54	Decision that a transfer of property is a preference in favour of a creditor
62	Conviction and sentence of debtor for an offence under this section.

SCHEDULE II.

(*See section 81*)

Provisions of the Act application of which may be barred by Local Governments

Provisions of the Act	Subject
Section 26	Award of compensation.
28, sub section (3)	Reputed property of an insolvent
34	Debts provable under the Act.
38, 39, 40	Compositions and schemes of arrangement

SCHEDULE II—*contd*

(*See section 81*)—contd

Provisions of the Act application of which may be barred by Local Governments—contd

Provisions of the Act	Subject
Section.	
42, sub sections (*1*) and (*2*)	Obligation to refuse absolute discharge
45	Method of proof of debts.
46	
47	
48	
49	
50	
51	Effect of insolvency on antecedent transactions
52	
53	
54	
55	
61, [except clause (*a*) of sub-section (*1*) and sub-section (*4*)]	Priority of debts
62	Dividends
63	
64	
65	
66	Management by and allowance to insolvent
72	Penalty for obtaining of credit by undischarged insolvent

SCHEDULE III

SCHEDULE III

ENACTMENTS REPEALED

(*See section 83*)

Year	No	Short title	Extent of repeal
1907	III	The Provincial Insolvency Act, 1907	So much as has not been repealed
1914	IV	The Decentralization Act, 1914	In Schedule I Part I the entry relating to Act III of 1907
"	X	The Repealing and Amending Act, 1914	In Schedule I, the entries relating to Act III of 1907

CALCUTTA
SUPERINTENDENT GOVERNMENT PRINTING, INDIA
8, HASTINGS STREET

ACT No. VI OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

(Received the assent of the Governor General on the 25th February, 1920)

An Act to amend the Inland Steam-vessels Act, 1917.

I of 1917

WHEREAS it is expedient to amend the Inland Steam-vessels Act, 1917, It is hereby enacted as follows.—

Short title

1. This Act may be called the Inland Steam-vessels (Amendment) Act, 1920

I of 1917.

Insertion of new section 22 A in Act I of 1917.

2 After section 22 of the Inland Steam-vessels Act, 1917 (hereinafter referred to as the said Act), the following section shall be inserted, namely.—

Licences.

"22 A. (*1*) The Local Government may also, in its discretion, grant—

(*a*) to a person who is in possession of a second-class master's certificate granted under section 21 or section 22, and has, by virtue of such certificate, acted as master of an inland steam-vessel having engines of forty or more nominal horse-power for a period of not less than five years, or

(*b*) to a person who is in possession of a first-class engine-driver's certificate granted under section 21 or section 22, or an engine-driver's certificate granted under the Indian Steam-ships Act, 1884 and has, by virtue of such certificate, served as an engine-driver of an inland steam-vessel having engines of not less than seventy nominal horse-power for five years,

VII of 1884

[*Price one anna and nine pies*]

years, for not less than two and a half years of which period he has been the engine-driver of such vessel within the meaning of section 26,

a licence authorising such person to act as master or engineer, as the case may be, of any inland steam-vessel having engines of one hundred and seventy nominal horse-power or of such less nominal horse-power as to such Government may deem fit.

(*2*) Any such licence shall remain in force only for such time as the person holding the same is in possession of and entitled to a master's or an engine-driver's certificate, as the case may be, of the nature referred to in sub-section (*1*):

Provided that the Local Government may, in its discretion, suspend, cancel or vary the conditions of any such licence."

Amendment of section 23, Act I of 1917

3. In section 23 of the said Act, after the word "service" the words "and every licence" shall be inserted, and after the words "entitled to the certificate" the words "or licence" shall be inserted.

Amendment of section 24, Act I of 1917

4. In section 24 of the said Act, after the word "certificate" in each place where it occurs, the words "or licence" shall be inserted

Amendment of section 25, Act I of 1917

5. In section 25 of the said Act—

(1) for the word "eighty" the words "one hundred" shall be substituted.

(2) In clause (*a*), after the words and figures "Merchant Shipping Act, 1894," the following words shall be inserted, namely —

"or a master's licence granted under section 22 A and applicable to such vessel and voyage"

(3) At the end of clause (*b*), the following words shall be added, namely :—

"or an engine-driver's licence granted under section 22 A and applicable to such vessel and voyage."

6. In

6. In section 26 of the said Act, for the word "thirty" the word "forty," and for the word "eighty" the words "one hundred," shall be substituted. Amendment of section 26, Act I of 1917.

7. In section 27 of the said Act, for the word "thirty" the word "forty" shall be substituted. Amendment of section 27, Act I of 1917.

8 After section 30 of the said Act the following section shall be inserted, namely:— Insertion of new section 30 A in Act I of 1917

"30 A The Local Government may also make rules to regulate the granting of licences under section 22 A, and may by such rules prescribe in particular— Power for Local Government to make rules as to grant of licences.

(*a*) the fees (if any) to be paid for such licences, and

(*b*) the forms in which such licences are to be framed and the authority by whom and the manner in which copies are to be kept and recorded under section 23"

9. (*1*) In section 31 of the said Act, after the word "service" where it first occurs the words "and licences" shall be inserted. Amendment of section 31, Act I of 1917

(*2*) In clause (*ii*) of the said section, after the word "serang" the words "and a licence" shall be inserted

(*3*) In the provisos to the said section, after the word "certificate" in each place where it occurs, the words "or licence" shall be inserted.

10 (*1*) In clause (*a*) of section 59 of the said Act, after the words "engine-driver's certificate" the words "or a master's or engine-driver's licence" shall be inserted. Amendment of section 59 Act I of 1917

(*2*) In clause (*b*) of the said section, after the words "such certificate" the words "or licence" shall be added.

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ACT No. VII OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 25th February, 1920)

An Act further to amend the Indian Tariff Act, 1894

VIII of 1894 WHEREAS it is expedient further to amend the Indian Tariff Act, 1894, It is hereby enacted as follows:—

1. This Act may be called the Indian Tariff (Amendment) Act, 1920 Short title

VIII of 1894 **2.** In Schedule II of the Indian Tariff Act, 1894, as subsequently amended, for item 45 the following shall be substituted, namely — Amendment of Schedule II, Act VIII, 1894

"45	Subject to the exemptions specified in No 10—		Rs	
	(1) Firearms other than pistols, including gas and air-guns and rifles	Each	15	or 20 per cent *ad valorem*, whichever is higher
	(2) Barrels for the same, whether single or double	"	15	
	(3) Pistols, including automatic pistols and revolvers	"	15	
	(4) Barrels for the same, whether single or double	"	15	
	(5) Main springs and magazine springs for firearms, including gas guns and rifles	"	5	
	(6) Gun stocks and breech blocks	"	3	
	(7) Revolver cylinders, for each cartridge they will carry	"	2	
	(8) Actions (including skeleton and waster) breech bolts and their heads, cocking pieces and locks (for muzzle loading arms)	"	1	
	(9) Machines for making, loading, or closing cartridges for rifled arms	*Ad valorem.*	20 per cent	
	(10) Machines for capping cartridges for rifled arms	*Ad valorem*	20 per cent"	

[*Price one anna and three pies*]

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8, HASTINGS STREET

ACT No. VIII OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 4th March, 1920)

An Act to amend the Dourine Act, 1910

V of 1910

WHEREAS it is expedient to amend the Dourine Act, 1910; It is hereby enacted as follows —

Short title

1 This Act may be called the Dourine (Amendment) Act, 1920.

V of 1910

Amendment of section 5, Act V of 1910

2. In section 5 of the Dourine Act, 1910 (hereinafter referred to as the said Act),—

(1) the word "and" at the end of clause (*a*) shall be omitted, and

(2) after clause (*b*) the following clause shall be added, namely:—

"(*c*) direct, by order in writing, the owner or keeper of any horse which, in the opinion of the Inspectors, is affected with dourine to remove it or permit it to be removed for the purpose of segregation to a place specified in the order, and such direction shall be sufficient authority for the detention of the horse in that place for that purpose"

Amendment of section 6, Act V of 1910

3 In section 6 of the said Act the word and letter "clause (*b*)" shall be omitted.

Amendment of section 8, Act V of 1910

4. In section 8 of the said Act—

(1) in clause (*a*) the word and letter "clause (*b*)" shall be omitted; and

(2) in clause (*b*)—

(*a*) after the words "on microscopical examination" the words "or by other scientific test" shall be inserted; and

(*b*) for

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(*b*) for sub-clause (*ii*) the following shall be substituted, namely :—

"(*ii*) in the case of a mare, with the previous sanction of such authority as the Local Government may appoint in this behalf, or, if so empowered by the Local Government, without such sanction, cause it to be destroyed."

Amendment of section 14, Act V of 1910

5 In sub-section (*2*) of section 14 of the said Act—

(1) for clause (*a*) the following shall be substituted, namely —

"(*a*) regulate the exercise of the powers conferred on Inspectors under section 5"; and

(2) the word "and" at the end of clause (*b*) and the whole of clause (*c*) shall be omitted

Amendment of section 15, Act V of 1910

6 For clauses (*b*) and (*c*) of section 15 of the said Act, the following shall be substituted, namely —

"(*b*) any horse in respect of which an order under clause (*b*) or clause (*c*) of section 5 is in force"

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ACT No. IX of 1920.

[Passed by the Indian Legislative Council]

(Received the assent of the Governor General on the 4th March, 1920)

An Act further to amend the law relating to Glanders and Farcy

WHEREAS it is expedient further to amend the law relating to Glanders and Farcy, It is hereby enacted as follows —

1 This Act may be called the Glanders and Farcy (Amendment) Act, 1920 Short title.

XIII of 1899 2 In section 2 (*2*) of the Glanders and Farcy Act, 1899, the word 'camels' shall be inserted between the words "to" and "asses" Extension of Act to camels.

3 For section 3 of the same Act the following section shall be substituted, namely .— Substitution of new section for s 3, Act XIII of 1899

"3. (*1*) The Local Government may, by notification in the local official Gazette, apply this Act or any provision of this Act to any local area, to be specified in such notification, within the province. Application of Act to local areas by Local Government

(*2*) In any such notification the Local Government may further direct that the Act or any provision so applied shall apply in respect of—

(*a*) all or any of the diseases mentioned or specified in a notification under section 2, sub-section (*1*),

(*b*) all animals or any class of animals mentioned in section 2, sub-section (*2*)."

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THE INDIAN SECURITIES ACT, 1920
(X OF 1920).

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ACT No. X of 1920.

[Passed by the Indian Legislative Council]

(Received the assent of the Governor General on the 11th March, 1920)

An Act to consolidate and amend the law relating to Government securities

WHEREAS it is expedient to consolidate and amend the law relating to Government securities, It is hereby enacted as follows —

Short title, extent and commencement

1 (*1*) This Act may be called the Indian Securities Act, 1920,

(*2*) It extends to the whole of British India, including British Baluchistan, and

(*3*) It shall come into force on the first day of April, 1920

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "Government security" means promissory notes (including treasury bills), stock-certificates, bearer bonds and all other securities issued by the Governor General in Council or by any Local Government in respect of any loan contracted either before or after the passing of this Act, but does not include a currency-note, and

(*b*) "prescribed" means prescribed by rules made under this Act

Notice of trust not receivable save as provided

3. (*1*) Save as otherwise provided in or under this Act, no notice of any trust in respect of any Government security shall be receivable by the Government.

(*2*) The

(*2*) The Government shall not be deemed to have received notice of any trust by reason only of the fact that it has recognised an indorsement on a Government security by an executor or administrator as such, nor shall it inquire into the terms of any will by which such executor or administrator may be bound, but, on being satisfied of the due appointment of such executor or administrator, it shall be entitled to treat him as the full owner of any Government security belonging to the estate of the person whom he represents

Right of survivors of joint or several payees of Government securities

4 (*1*) Notwithstanding anything in section 45 of the Indian Contract Act, 1872,— IX of 1872

(*a*) when a Government security is payable to two or more persons jointly, and either or any of them dies, the security shall be payable to the survivor or survivors of those persons, and

(*b*) when a Government security is payable to two or more persons severally, and either or any of them dies, the security shall be payable to the survivor or survivors of those persons, or to the representative of the deceased, or to any of them

(*2*) This section shall apply whether such death occurred or occurs before or after this Act comes into force

(*3*) Nothing herein contained shall affect any claim which any representative of a deceased person may have against the survivor or survivors under or in respect of any security to which sub-section (*1*) applies

Indorsements to be made on security itself

5 Notwithstanding anything in section 15 of the Negotiable Instruments Act, 1881, no indorsement of a Government promissory note shall be valid unless made by the signature of the holder inscribed on the back of the security itself. XXVI of 1881

Holding of Government securities by holders of public offices

6. (*1*) In the case of any public office to which the Governor General in Council may, by notification in the Gazette of India, declare this sub-section to apply, a Government security may be made or indorsed

indorsed payable to or to the order of the holder of the office by the name of the office.

(2) When a Government security is made or indorsed as aforesaid, it shall be deemed to be transferred without any or further indorsement from each holder of the office to the succeeding holder of the office on and from the date on which the latter takes charge of the office

(3) When the holder of the office indorses to a third party a Government security made or indorsed as aforesaid, he shall subscribe the indorsement with his name and the name of the office

(4) A writing on a Government security now or heretofore standing in the name of the holder of a public office, whereby the security has been or was made or indorsed payable to or to the order of the holder of the office by the name of the office, shall not be deemed to be or to have been invalid by reason only of the security having been so made or indorsed

(5) This section applies as well to an office of which there are two or more joint holders as to an office of which there is a single holder.

Issue of securities to rulers of States in India

XXVI of 1881.

7. Notwithstanding anything in the Negotiable Instruments Act, 1881, the Governor General in Council may, in respect of any loan, issue to the ruler of any State in India Government securities in such form and subject to such conditions as to negotiability, succession and other matters as may be prescribed.

Indorser of Government security not liable for amount thereof

XXVI of 1881.

8. Notwithstanding anything in the Negotiable Instruments Act, 1881, a person shall not, by reason only of his having indorsed a Government security, be liable to pay any money due, either as principal or as interest, thereunder

Impression of signature on Government securities

9. (1) The signature of the person authorised to sign Government securities on behalf of the Government may be printed, engraved or lithographed, or impressed by such other mechanical process as the Governor General in Council may direct on the securities.

(2) A signature

(2) A signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if it had been inscribed in the proper handwriting of the person so authorised

Issue of duplicate, renewed, converted, consolidated or sub-divided securities

Issue of duplicate securities

10. (1) When a Government security is alleged to have been lost or destroyed either wholly or in part, and a person claims to be the person to whom but for the loss or destruction it would be payable, he may, on application to the prescribed officer, and on producing proof to his satisfaction of the loss or destruction and of the justice of the claim and on payment of the prescribed fee, if any, obtain from him an order for—

(a) the payment of interest in respect of the security said to be lost or destroyed pending the issue of a duplicate security, and

(b) the issue of a duplicate security payable to the applicant

(2) An order shall not be passed under sub-section (1) until after the issue of the prescribed notification of the loss or destruction

(3) A list of the securities in respect of which an order is passed under sub-section (1) shall be published in the prescribed manner

Renewal of bearer bonds

11 The holder of a bearer bond or other Government security payable to bearer, may, on application to the prescribed officer, on delivery of the bearer bond or other security, and on payment of the prescribed fee, if any, obtain from such officer a renewed bearer bond or other security, as the case may be.

Renewal of promissory notes

12. Subject to the provisions of section 13, a person claiming to be entitled to a Government promissory note, may, on applying to the prescribed officer, and on satisfying him of the justice of his claim and delivering the promissory note receipted in the prescribed manner, and paying the prescribed fee

fee, if any, obtain from such officer a renewed promissory note payable to him

Provided that, when application is made for the renewal of a Government promissory note which appears to the prescribed officer to stand in the name of a deceased member of a Hindu undivided family governed by the *Mitakshara* law, a renewed promissory note shall not be issued to the applicant unless he furnishes a certificate signed by such authority and after such inquiry as may be prescribed to the effect that the deceased belonged to a Hindu undivided family governed by the *Mitakshara* law, that the promissory note formed part of the joint property of the family, and that the applicant is the managing or sole surviving male member of the family.

Explanation—The expression "Hindu undivided family governed by the *Mitakshara* law" shall, for the purposes of this section, be deemed to include a Malabar *taruad*

Renewal of promissory notes in case of dispute as to title

13 (*1*) Where there is a dispute as to the title to a Government promissory note in respect of which an application for renewal has been made, the prescribed officer may—

(*a*) where any party to the dispute has obtained a final decision from a Court of competent jurisdiction declaring him to be entitled to such note, issue a renewed note in favour of such party, or

(*b*) refuse to renew the note until such a decision has been obtained, or

(*c*) after such inquiry as is hereinafter provided and consideration of the result thereof, declare by order in writing which of the parties is in his opinion entitled to such note and may, after the expiration of three months from the date of such declaration, issue a renewed note in favour of such party in accordance with the provisions of section 12, unless within that period he has received

received notice that proceedings have been instituted by any person in a Court of competent jurisdiction for the purpose of establishing a title to such note.

Explanation—For the purposes of this sub-section the expression 'final decision' means a decision which is not appealable or a decision which is appealable but against which no appeal has been filed within the period of limitation allowed by law

(*2*) For the purpose of the inquiry referred to in sub-section (*1*), the prescribed officer may himself record, or may request the District Magistrate to record or to have recorded, the whole or any part of such evidence as the parties may produce. When such request has been made to the District Magistrate, such Magistrate may himself record or may direct any Magistrate of the first-class subordinate to him, or any Magistrate of the second-class subordinate to him and empowered by general or special order of the Local Government in this behalf, to record the evidence, and shall forward a copy thereof to the prescribed officer

Explanation—For the purposes of this sub-section, the District Magistrate means the District Magistrate having jurisdiction in the place where interest on the promissory note is payable and, where interest is payable at a presidency-town, the Chief Presidency Magistrate, or at a place in a State in India, the Political Agent.

(*3*) The prescribed officer or any Magistrate acting under this section may, if he thinks fit, record evidence on oath

Renewal of other securities

14 Government securities other than those mentioned in sections 11 and 12 may be renewed in such circumstances and in such manner as may be prescribed

Issue of converted, etc, securities

15 (*1*) The prescribed officer may, subject to such conditions as may be prescribed, on the application of a person claiming to be entitled to a Government security or securities, on being satisfied of the justice of

of the claim and on delivery of the security or securities receipted in the prescribed manner and on payment of the prescribed fee, if any, convert, consolidate or sub-divide the security or securities, and issue to the applicant a new security or securities accordingly

(*2*) The conversion, consolidation, or sub division referred to in sub-section (*1*) may be into a security or securities of the same or different classes or of the same or different loans

Liability in respect of promissory note renewed, etc

16. (*1*) When a renewed Government promissory note has been issued under section 12, or a new Government promissory note has been issued upon conversion, consolidation or sub-division under section 15, in favour of any person, the note so issued shall be deemed to constitute a new contract between the Government and such person and all persons deriving title thereafter through him.

(*2*) No such renewal, conversion, consolidation or sub-division shall affect the rights as against the Government of any other person to the security or securities so renewed, converted, consolidated or sub-divided.

Discharge.

Immediate discharge in certain cases

17. On payment by or on behalf of the Government to the holder of a bearer bond or other Government security payable to bearer of the amount expressed therein on or after the date when it becomes due, or on renewal of a bearer bond or other security payable to bearer under section 11, or on renewal of a Government promissory note under section 13, or on conversion, consolidation or sub-division of a bearer bond or other security payable to bearer under section 15, the Government shall be discharged in the same way and to the same extent as if such bearer bond, promissory note or other security were a promissory note payable to bearer

Provided that, in the case of a Government promissory note renewed under section 13, nothing in this section shall be deemed to bar a claim against the Government in respect of such note by any person

who

who had no notice of the proceedings under that section, or who derives title through any such person

Discharge in other cases

18. Save as otherwise provided in this Act—

(*i*) on payment of the amount due on a Government security on or after the date on which payment becomes due, or

(*ii*) when a duplicate security has been issued under section 10, or

(*iii*) when a renewed security has been issued under section 12 or section 13, or a new security or securities has or have been issued upon conversion, consolidation or sub-division under section 15,

the Government shall be discharged from all liability in respect of the security or securities so paid or in place of which a duplicate, renewed, or new security or securities has or have been issued—

(*a*) in the case of payment—after the lapse of six years from the date on which payment was due,

(*b*) in the case of a duplicate security—after the lapse of six years from the date of the publication under sub-section (*3*) of section 10 of the list in which the security is first mentioned, or from the date of the last payment of interest on the original security, whichever date is later,

(*c*) in the case of a renewed security or of a new security issued upon conversion, consolidation or sub-division—after the lapse of six years from the date of the issue thereof

Summary procedure in certain cases

Procedure on death of holder of securities not exceeding an aggregate value of five thousand rupees

19. (*1*) If within six months of the death of a person who was entitled to a Government security or securities (other than a security payable to bearer) the nominal or face value of which does not in the aggregate exceed five thousand rupees, probate of the

the will or letters of administration of the estate of such person or a certificate granted under the Succession Certificate Act, 1889, is not produced to the prescribed officer, such officer may, after inquiry in the manner provided in sub-sections (*2*) and (*3*) of section 13, determine who is the person entitled to the security or securities or to administer the estate of the deceased, and may—

II of 1889

(*a*) in the case of any such security relating to a loan due for repayment, authorise payment of the amount due thereon to such person, and

(*b*) in the case of any such security relating to a loan not due for repayment, authorise, in the case of a promissory note, the renewal of such promissory note in favour of such person, or, in the case of stock, the registration of the name of such person in substitution for the name of the deceased

(*2*) Upon the payment or renewal of any promissory note in accordance with sub-section (*1*), the Government shall be discharged from all liability in respect of the note so paid or renewed, and any substitution of names made in accordance with clause (*b*) of sub-section (*1*) shall, for the purposes of any claim against the Government, be deemed to have effected a valid transfer of the stock in respect of which it was made

(*3*) Any creditor or claimant against the estate of the deceased may recover his debt or claim out of money paid to any person under sub-section (*1*) and remaining in his hands unadministered in the same manner and to the same extent as if the said person had obtained letters of administration of the estate of the deceased, and nothing in this section shall affect any claim of an executor or administrator or other representative of the deceased against such person other than a claim to recover amounts lawfully paid by him in due course of administration of the estate of the deceased.

Securities held by minors and lunatics

Payment in case of securities held by minors and lunatics

20. Where a Government security stands in the name of or is held by a minor or a person who is insane and incapable of managing his affairs, the interest accruing thereon, or the capital sum payable in respect thereof on the maturity or discharge of the loan, shall, where, in the case of interest payable, the nominal value of the security, or in other cases the sum payable, does not exceed five thousand rupees, be paid in such manner as may be prescribed, and on any payment being so made, the Government shall, notwithstanding any provision of any enactment to the contrary, be discharged from all liability in respect thereof.

Indemnity.

Indemnity

21 Notwithstanding anything in section 10, 12, 13 or 15, the prescribed officer may in any case arising under any of those sections—

(*i*) issue a duplicate or renewed security or convert, consolidate or sub-divide a security or securities upon the applicant giving the prescribed indemnity against the claims of all persons claiming under the original security or under the security or securities so renewed, converted, consolidated or sub-divided, as the case may be, or

(*ii*) refuse to issue a duplicate or renewed security or to convert, consolidate or sub-divide a security or securities unless such indemnity is given

Inspection of registers, books and documents

Inspection of documents

22. No person shall be entitled to inspect, or to receive information derived from, any Government security in the possession of the Government or from any book, register or other document kept or maintained by or on behalf of Government in relation to Government securities or any Government security, save

save in such circumstances and manner and subject to such conditions as may be prescribed

Penalty

23 (*1*) If any person, for the purpose of obtaining for himself or for any other person payment of interest or of the capital sum due in respect of any Government security, or the issue of a duplicate security, or the renewal, conversion, consolidation or sub-division of a Government security or securities, makes to any authority under this Act a statement which is false and which he either knows to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both Penalty

(*2*) No Court shall take cognizance of any offence under sub-section (*1*) save on the complaint of the authority to whom the false statement was made

Rules

24 (*1*) The Governor General in Council may after previous publication make rules to carry out the purposes of this Act Power to make rules

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely —

(*a*) the manner in which payment of interest in respect of Government securities is to be made and acknowledged ,

(*b*) the circumstances in which Government securities must be renewed before further payment of interest thereon can be claimed ;

(*c*) the form in which and the conditions subject to which Government securities may be issued to the rulers of States in India ,

(*d*) the fees to be paid in respect of the issue of duplicate securities and of the renewal, conversion, consolidation and sub-division of Government securities ,

(*e*) the

(*e*) the proof which is to be produced by persons applying for duplicate securities;

(*f*) the form and manner of publication of the notification mentioned in sub-section (*2*) of section 10 and the manner of publication of the list mentioned in sub-section (*3*) of that section,

(*g*) the officer who is to exercise all or any of the powers and to perform all or any of the duties referred to in sections 10, 11, 12, 13, 15, 19 and 21;

(*h*) the manner of making the inquiry mentioned in the proviso to section 12,

(*i*) the circumstances and the manner in which securities other than securities payable to bearer or promissory notes are to be renewed;

(*j*) the form in which securities delivered for discharge, renewal, conversion, consolidation or sub-division are to be receipted,

(*k*) the conditions subject to which securities may be converted, consolidated or sub-divided;

(*l*) the person to whom and the manner in which payments are to be made in respect of Government securities standing in the name of, or held by, minors or persons who are insane and incapable of managing their affairs,

(*m*) the taking of indemnities against adverse claims of third parties from persons who receive payment of interest or of the capital sum due in respect of Government securities, or who obtain duplicate, renewed, converted, consolidated or sub-divided securities;

(*n*) the manner in which any document relating to Government securities or any indorsement on a Government promissory note may, on the demand of any person who

from

from any cause is unable to write, be executed on his behalf;

(*o*) enabling holders of Government stock to be described in the registers of such stock as trustees, and either as trustees of any particular trust or as trustees without qualification, and for the recognition of powers of attorney granted by holders of stock so described,

(*p*) the holding of Government stock by the holders of offices other than public offices, and the manner in which and the conditions subject to which stock so held may be transferred,

(*q*) the mode of attestation of documents relating to Government stock,

(*r*) generally, all matters connected with the grant of duplicate, renewed, converted, consolidated and sub-divided securities, and

(*s*) the circumstances and the manner in which and the conditions subject to which inspection of securities, books, registers and other documents may be allowed or information therefrom may be given under section 22.

(*3*) Nothing in any rules made under clauses (*o*) and (*p*) shall, as between any trustees or as between any trustees and the beneficiaries under a trust, be deemed to authorise the trustees to act otherwise than in accordance with the rules of law applying to the trust and the terms of the instrument constituting the trust, and neither the Government nor any person holding or acquiring any interest in any Government stock shall, by reason only of any entry in any register maintained by or on behalf of the Government in relation to any Government stock or any stockholder, or of anything in any document relating to Government stock, be affected with notice of any trust or of the fiduciary character of any stockholder or of any fidu-

ciary

ciary obligation attaching to the holding of any Government stock

(4) Rules made under this section shall be published in the Gazette of India, and shall thereupon have effect as if enacted in this Act

Repeals

Repeals

25 On and from the date on which this Act comes into force, the Indian Securities Act, 1886, and so much of the First and Second Schedules of the Repealing and Amending Act, 1914, as relates to the Indian Securities Act, 1886, shall be repealed XIII of 1886 X of 1914 XIII of 1886

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ACT No. XI OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 11th March, 1920)

An Act further to amend the Presidency-towns Insolvency Act, 1909

III of 1909.

WHEREAS it is expedient further to amend the Presidency-towns Insolvency Act, 1909, It is hereby enacted as follows —

Short title

1. This Act may be called the Presidency-towns Insolvency (Amendment) Act, 1920.

Insertion of new section 103 A in Act III of 1909

III of 1909

2 After section 103 of the Presidency-towns Insolvency Act, 1909, the following section shall be inserted, namely —

Disqualifications of insolvent

"103A (*1*) Where a debtor is adjudged or re-adjudged insolvent under this Act, he shall, subject to the provisions of this section, be disqualified from—

(*a*) being appointed or acting as a Magistrate,

(*b*) being elected to any office of any local authority where the appointment to such office is by election, or holding or exercising any such office to which no salary is attached, and

(*c*) being elected or sitting or voting as a member of any local authority.

(*2*) The disqualifications which an insolvent is subject to under this section shall be removed, and shall cease if—

(*a*) the order of adjudication is annulled under sub-section (*1*) of section 21, or

(*b*) he

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(*b*) he obtains from the Court an order of discharge, whether absolute or conditional, with a certificate that his insolvency was caused by misfortune without any misconduct on his part.

(*3*) The Court may grant or refuse such certificate as it thinks fit."

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ACT No XII OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 12th March, 1920)

An Act further to amend the Workman's Breach of Contract Act, 1859

XIII of 1859. WHEREAS it is expedient further to amend the Workman's Breach of Contract Act, 1859, It is hereby enacted as follows :—

Short title

1. This Act may be called the Workman's Breach of Contract (Amendment) Act, 1920.

Amendment of section 1, Act XIII of 1859

2. (*1*) Section 1 of the Workman's Breach of Contract Act, 1859 (hereinafter referred to as the said Act) shall be re-numbered sub-section (*1*) of section 1 XIII of 1859

(*2*) In the said sub-section—

(*a*) after the words "an advance of money" the words "not exceeding three hundred rupees" shall be inserted; and

(*b*) the words "and the Magistrate shall thereupon issue" to the end of the section shall be omitted

(*3*) To the said section the following sub-sections shall be added, namely —

"(*2*) The Magistrate shall at once examine the complainant on oath, and may thereupon dismiss the complaint if in his opinion there is no sufficient ground for proceeding

(*3*) If in the opinion of the Magistrate there is sufficient ground for proceeding, he shall issue

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issue a summons or warrant, as he may think proper, for bringing before him such artificer, workman or labourer, and shall hear and determine the case."

Substitution of new sections for section 2, Act XIII of 1859

3. For section 2 of the said Act the following sections shall be substituted, namely :—

Order for repayment of advance or performance of contract

"2. (*1*) If it shall be proved to the satisfaction of the Magistrate that such artificer, workman or labourer has received money in advance, not exceeding three hundred rupees, from the complainant on account of any such work, and has wilfully and without lawful or reasonable excuse neglected or refused to perform or get performed the same according to the terms of his contract, the Magistrate may in his discretion either order such artificer, workman or labourer to repay the money advanced, or such part thereof as may be just and proper, within such period and in such instalments, if any, as the Magistrate thinks fit, or order him to perform or get performed such work within such period, not exceeding one year, as the Magistrate may determine and otherwise according to the terms of the contract :

Provided that no such order shall be made—

(*a*) unless the complaint was brought within three months of the neglect or refusal, or

(*b*) if it is proved that the complainant has on any previous occasion obtained an order under this sub-section against such artificer, workman or labourer.

Explanation :—Where no time has been fixed for the performance of a contract, neglect may be presumed to have occurred on the expiry of such period as the Magistrate deems to be a reasonable time for the performance thereof

(*2*) If such artificer, workman or labourer shall fail to comply with an order made under sub-section (*1*), the Magistrate may sentence him to imprisonment for a period not exceeding three months, or, if the order be for the repayment of a sum of money,

 for

for a period which may extend to three months or until repayment is made, whichever period is shorter:

Provided that, where any instalment has been ordered, no sentence of imprisonment exceeding one month shall be passed for default in payment of any one instalment, and the aggregate of such sentences shall not exceed three months

(*3*) The Magistrate may, from time to time, extend the period for repayment of money advanced or for the performance of work, as the case may be, and may vary the instalments:

Provided that no order shall be made under this sub-section extending beyond one year from the date of the order under sub-section (*1*) the period within which the work is to be performed.

(*4*) No repayment of any money or order therefor shall deprive the complainant of any civil remedy whether for the recovery of any money advanced and remaining unpaid or otherwise, which he may have otherwise than under this Act

Inequitable contracts not to be enforced

2A The Magistrate may in his discretion refuse to make an order under section 2 where in his opinion the contract in respect of a breach of which the complaint has been made was substantially unfair.

Compensation in false or frivolous or vexatious complaints

2B (*1*) If in any proceedings under this Act the Magistrate is of opinion that the complaint was false to the knowledge of the complainant or was frivolous or vexatious, he may in his discretion call upon the complainant forthwith to show cause why he should not pay compensation to the person complained against.

(*2*) The Magistrate shall consider any cause which such complainant may show, and, if after so doing he is satisfied that the accusation was false to the knowledge of the complainant or was frivolous or vexatious, he may, for reasons to be recorded, direct that compensation not exceeding fifty rupees be paid by the complainant to the person complained against.

(*3*) Compensation

(3) Compensation for the payment of which an order is made under sub-section (2) shall be recoverable as if it were a fine, and the Magistrate may, by the order directing payment of the same, further order that in default of payment the complainant shall suffer simple imprisonment for a period which may extend to thirty days or until payment is made, whichever period is shorter"

Amendment of section 3, Act XIII of 1859

4. In section 3 of the said Act for the words "to be imprisoned with hard labour" the words "to imprisonment" shall be substituted

Substitution of new section for section 4, Act XIII of 1859

5. For section 4 of the said Act the following section shall be substituted, namely —

To what contracts Act extends

"4 In this Act the word "contract" shall extend to all contracts within the meaning of the Indian Contract Act, 1872 IX of 1872.

Provided that nothing in this Act shall apply to contracts where, a period having been specified for performance, such period exceeds one year"

CALCUTTA: PRINTED BY SUPDT GOVT PRINTING, INDIA, 8, HASTINGS STREET

ACT No. XIII OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 20th March, 1920)

An Act to amend the Import and Export of Goods Act, 1916

XI of 1916 WHEREAS it is expedient to amend the Import and Export of Goods Act, 1916, It is hereby enacted as follows —

Short title. 1. This Act may be called the Import and Export of Goods (Amendment) Act, 1920.

Amendment of section 1 Act XI of 1916 2 In sub-section (3) of section 1 of the Import and
XI of 1916 Export of Goods Act, 1916, for the words "during the continuance of the present war, and for a period of six months thereafter" the words "up to the 31st day of March, 1921," shall be substituted

[*Price one anna and three pies*]

CALCUTTA
SUPERINTENDENT GOVERNMENT PRINTING, INDIA
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ACT No. XIV of 1920.

[Passed by the Indian Legislative Council.]

(Received the assent of the Governor General on the 20th March, 1920.)

An Act to provide more effectual control over the administration of Charitable and Religious Trusts.

WHEREAS it is expedient to provide facilities for the obtaining of information regarding trusts created for public purposes of a charitable or religious nature, and to enable the trustees of such trusts to obtain the directions of a Court on certain matters, and to make special provision for the payment of the expenditure incurred in certain suits against the trustees of such trusts; It is hereby enacted as follows —

Short title and extent.

1. (*1*) This Act may be called the Charitable and Religious Trusts Act, 1920.

(*2*) It extends to the whole of British India.

Provided that the Governor General in Council may, by notification in the Gazette of India, direct that this Act, or any specified part thereof, shall not extend to any specified Province or area, or to any specified trust or class of trusts.

Interpretation.

2. In this Act, unless there is anything repugnant in the subject or context, "the Court" means the Court of the District Judge, and includes the High Court in the exercise of its ordinary original civil jurisdiction.

Power to apply to the Court in respect of trusts of a charitable or religious nature.

3. Save as hereinafter provided in this Act, any person having an interest in any express or constructive trust created or existing for a public purpose of a

[*Price two annas and three pies.*]

a charitable or religious nature may apply by petition to the Court within the local limits of whose jurisdiction any substantial part of the subject-matter of the trust is situate to obtain an order embodying all or any of the following directions, namely :—

(1) directing the trustee to furnish the petitioner through the Court with particulars as to the nature and objects of the trust, and of the value, condition, management and application of the subject-matter of the trust, and of the income belonging thereto, or as to any of these matters, and

(2) directing that the accounts of the trust shall be examined and audited

Provided that no person shall apply for any such direction in respect of accounts relating to a period more than three years prior to the date of the petition

Contents and verification of petition

4 (*1*) The petition shall show in what way the petitioner claims to be interested in the trust, and shall specify, as far as may be, the particulars and the audit which he seeks to obtain.

(*2*) The petition shall be in writing and shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1908, for signing and verifying plaints V of 1908

Procedure on petition

5 (*1*) If the Court on receipt of a petition under section 3, after taking such evidence and making such inquiry, if any, as it may consider necessary, is of opinion that the trust to which the petition relates is a trust to which this Act applies, and that the petitioner has an interest therein, it shall fix a date for the hearing of the petition, and shall cause a copy thereof, together with notice of the date so fixed, to be served on the trustee and upon any other person to whom in its opinion notice of the petition should be given

(*2*) On the date fixed for the hearing of the petition, or on any subsequent date to which the hearing may be adjourned, the Court shall proceed to hear the petitioner and the trustee, if he appears, and any other person who has appeared in consequence of the notice

notice, or who it considers ought to be heard, and shall make such further inquiries, if any, as it thinks fit The trustee may and, if so required by the Court, shall at the time of the first hearing or within such time as the Court may permit present a written statement of his case If he does present a written statement, the statement shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1908, for signing and verifying pleadings.

V of 1908

(*3*) If any person appears at the hearing of the petition and either denies the existence of the trust or denies that it is a trust to which this Act applies, and undertakes to institute within three months a suit for a declaration to that effect and for any other appropriate relief, the Court shall order a stay of the proceedings and, if such suit is so instituted, shall continue the stay until the suit is finally decided

(*4*) If no such undertaking is given, or if after the expiry of the three months no such suit has been instituted, the Court shall itself decide the question

(*5*) On completion of the inquiry provided for in sub-section (*2*), the Court shall either dismiss the petition or pass thereon such other order as it thinks fit

Provided that, where a suit has been instituted in accordance with the provisions of sub-section (*3*), no order shall be passed by the Court which conflicts with the final decision therein

(*6*) Save as provided in this section, the Court shall not try or determine any question of title between the petitioner and any person claiming title adversely to the trust

Failure of trustee to comply with order under section 5.

6 If a trustee without reasonable excuse fails to comply with an order made under sub-section (*5*) of section 5, such trustee shall, without prejudice to any other penalty or liability which he may incur under any law for the time being in force, be deemed to have committed a breach of trust affording ground for a suit under the provisions of section 92 of the Code of Civil Procedure, 1908, and any such suit may, so far as it is based on such failure, be instituted without the previous consent of the Advocate General.

V of 1908

7 (*1*) Save

Powers of trustee to apply for directions

7 (*1*) Save as hereinafter provided in this Act, any trustee of an express or constructive trust created or existing for a public purpose of a charitable or religious nature may apply by petition to the Court, within the local limits of whose jurisdiction any substantial part of the subject-matter of the trust is situate, for the opinion, advice or direction of the Court on any question affecting the management or administration of the trust property, and the Court shall give its opinion, advice or direction, as the case may be, thereon:

Provided that the Court shall not be bound to give such opinion, advice or direction on any question which it considers to be a question not proper for summary disposal

(*2*) The Court on a petition under sub-section (*1*), may either give its opinion, advice or direction thereon forthwith, or fix a date for the hearing of the petition, and may direct a copy thereof, together with notice of the date so fixed, to be served on such of the persons interested in the trust, or to be published for information in such manner, as it thinks fit

(*3*) On any date fixed under sub-section (*2*) or on any subsequent date to which the hearing may be adjourned, the Court, before giving any opinion, advice or direction, shall afford a reasonable opportunity of being heard to all persons appearing in connection with the petition

(*4*) A trustee stating in good faith the facts of any matter relating to the trust in a petition under sub-section (*1*), and acting upon the opinion, advice or direction of the Court given thereon, shall be deemed, as far as his own responsibility is concerned, to have discharged his duty as such trustee in the matter in respect of which the petition was made

Costs of petition under this Act.

8 The costs, charges and expenses of and incidental to any petition, and all proceedings in connection therewith, under the foregoing provisions of this Act shall be in the discretion of the Court, which may direct the whole or any part of any such costs, charges and expenses to be met from the property or income of the trust in respect of which the petition is made

made, or to be borne and paid in such manner and by such persons as it thinks fit

Provided that no such order shall be made against any person (other than the petitioner) who has not received notice of the petition and had a reasonable opportunity of being heard thereon

Savings

9 No petition under the foregoing provisions of this Act in relation to any trust shall be entertained in any of the following circumstances, namely —

(*a*) if a suit instituted in accordance with the provisions of section 92 of the Code of Civil Procedure, 1908, is pending in respect of the trust in question,

V of 1908

(*b*) if the trust property is vested in the Treasurer of Charitable Endowments, the Administrator-General, the Official Trustee, or any Society registered under the Societies Registration Act, 1860, or

XXI of 1860

(*c*) if a scheme for the administration of the trust property has been settled or approved by any Court of competent jurisdiction, or by any other authority acting under the provisions of any enactment.

Power of Courts as to costs in certain suits against trustees of charitable and religious trusts

10. (*1*) In any suit instituted under section 14 of the Religious Endowments Act, 1863, or under section 92 of the Code of Civil Procedure, 1908, the Court trying such suit may, if, on application of the plaintiff and after hearing the defendant and making such inquiry as it thinks fit, it is satisfied that such an order is necessary in the public interest, direct the defendant either to furnish security for any expenditure incurred or likely to be incurred by the plaintiff in instituting and maintaining such suit, or to deposit from any money in his hands as trustee of the trust to which the suit relates such sum as such Court considers sufficient to meet such expenditure in whole or in part

XX of 1863

V of 1908

(*2*) When any money has been deposited in accordance with an order made under sub-section (*1*), the Court may make over to the plaintiff the whole

or

or any part of such sum for the conduct of the suit Before making over any sum to the plaintiff, the Court shall take security from the plaintiff for the refund of the same in the event of such refund being subsequently ordered by the Court.

Provisions of the Code of Civil Procedure to apply

11. (*1*) The provisions of the Code of Civil Procedure, 1908, relating to— V of 1908

(*a*) the proof of facts by affidavit,

(*b*) the enforcing of the attendance of any person and his examination on oath,

(*c*) the enforcing of the production of documents, and

(*d*) the issuing of commissions,

shall apply to all proceedings under this Act, and the provisions relating to the service of summonses shall apply to the service of notices thereunder.

(*2*) The provisions of the said Code relating to the execution of decrees shall, so far as they are applicable, apply to the execution of orders under this Act

Barring of appeals

12. No appeal shall lie from any order passed or against any opinion, advice or direction given under this Act.

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ACT No. XV OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 20th March, 1920)

An Act to constitute an Indian Red Cross Society.

WHEREAS it is expedient to provide for the future administration of the various monies and gifts received from the public for the purpose of medical and other aid to the sick and wounded, and other purposes of a like nature during the late war, and more especially for the administration of the monies and property held by a Committee known as the Joint War Committee, Indian Branch, of the order of St John of Jerusalem in England and the British Red Cross Society;

AND WHEREAS it is expedient to constitute an Indian Red Cross Society with a view to the continuation in peace time, on a wider basis and with a wider purpose, of the work carried on by the said Committee during the war, and to provide for the affiliation therewith of other societies and bodies having similar objects; It is hereby enacted as follows —

Short title and extent.

1. (*1*) This Act may be called the Indian Red Cross Society Act, 1920

(*2*) It extends to the whole of British India, including British Baluchistan, the Sonthal Parganas and the District of Angul

Constitution of Indian Red Cross Society.

2 There shall be constituted by this Act a Society to be known as the Indian Red Cross Society (hereinafter called the Society). The first members of the Society shall be nominated by persons who immediately before the commencement of this Act were members of the Joint War Committee, Indian Branch

[*Price two annas and three pies*]

Branch, of the Order of St John of Jerusalem in England and the British Red Cross Society (hereinafter called the Committee) at a meeting to be summoned and held for that purpose in accordance with the usual practice of the Committee within three months from the commencement of this Act. The number of members to be so nominated shall not be less than twenty-five or more than fifty

Appointment of Managing Body

3. The Committee shall also at the same meeting appoint from among the members nominated under section 2 the Managing Body of the Society (hereinafter called the Managing Body), the members of which shall hold office as such until a new Managing Body is appointed as hereinafter provided The number of members of the Managing Body shall not be less than ten or more than thirty

Incorporation

4 The first members of the Society and all persons who may hereafter become members thereof so long as they continue so to be, are hereby constituted a body corporate under the name of the Indian Red Cross Society, and the said body shall have perpetual succession and a common seal with power to hold and acquire property, moveable and immoveable, and shall sue and be sued by the said name.

Power to make rules

5 The Managing body shall, within six months from the commencement of this Act and subject to the condition of previous publication, make rules for the management, control and procedure of the Society. The rules may provide among other matters for the following, namely,—

(*a*) the conditions of membership of the Society;

(*b*) the appointment and term of office of members of the Managing body;

(*c*) the choice of representatives on international and other Committees,

(*d*) representation on the Managing Body of Provincial and State Branch Committees and affiliated societies and bodies;

(*e*) the constitution of Finance, Medical and other Committees and the delegation of powers to them

to them, and

(*f*) the regulation of the procedure generally of the Society and Managing Body.

Dissolution and transfer of property of Joint War Committee.

6 Upon the nomination of the first members of the Society and the appointment of the Managing Body—

(*a*) the Committee shall be dissolved,

(*b*) all property, moveable or immoveable, of or belonging to the Committee shall vest in the Society and shall be applied by the Managing Body to the objects and purposes hereinafter set out, and

(*c*) all the debts and liabilities of the Committee shall be transferred to the Society, and shall thereafter be discharged and satisfied by it out of the aforesaid property, and each and every member of the Committee shall be wholly discharged therefrom

Purposes to which funds of Society may be applied

7. Notwithstanding anything contained in any appeal for subscriptions or gifts to or for the purposes of the Committee, the Managing Body may in its discretion apply—

(*a*) either the corpus or the income or any part of such corpus or income of any property vested in it under clause (*b*) of section 6 for the relief of sickness, suffering or distress caused by the operation of war in India [or in any other country in which Expeditionary Forces from India may, from time to time, be employed and for purposes cognate to that object and in maintaining Red Cross Depôts for military purposes,

(*b*) in accordance with the provisions of section 8 the income only of any such property but not the corpus or any part thereof for the relief of sickness or suffering in India, whether due to the operation of war or not, or in pursuance of any of the objects set forth in the First Schedule.

8. If

Constitution of Branch Committees

8. If Branch Committees consisting of members of the Society are constituted in any of the Provinces, States and other parts of India specified in the Second Schedule, then, subject to the requirements of the Managing Body for the purposes of clause (*a*) of section 7 and any provision for expenses of management, the income of the property which has been vested in the Society under clause (*b*) of section 6 shall be distributed annually among such Branch Committees in the proportion shown in the said Schedule, to be expended by them and at their discretion upon all or any of the objects referred to in clause (*b*) of section 7

Affiliation of other Societies

9. The Managing Body may also affiliate to the Society any other society or body having all or any of the objects and purposes referred to in section 7, and may provide for the allocation and distribution of funds, through such society or body, to or for any such objects or purposes.

Decision of Managing Body as to purposes final

10 The Managing Body shall have authority to determine in all cases what matters properly fall within the scope of clause (*b*) of section 7, and its decision in all such matters shall be binding on all Branch Committees and affiliated societies or bodies

Receipt and use of gifts

11 The Managing Body may also receive and hold gifts of whatsoever description either for the general purposes of the Society or for any particular purpose for which the corpus or income of the property vested in it under clause (*b*) of section 6 may be applied under the provisions of section 7, and on receipt of such gifts may, subject to the provisions of rules made under section 5, apply the same to such purposes, either directly or through Branch Committees, or societies or bodies affiliated under section 9.

Powers of Branch Committees

12 Subject to the provisions of rules made under section 5, each Branch Committee shall have all power to regulate its own procedure and constitution, to receive gifts and expend all monies received by it for its purposes, either directly or through other societies or bodies.

FIRST SCHEDULE

FIRST SCHEDULE

(*See section 7*)

Objects to which the funds of the Society may be applied :—

(1) The care of the sick and wounded men of His Majesty's Forces, whether still on the active list or demobilised.

(2) The care of those suffering from tuberculosis, having regard in the first place to soldiers and sailors, whether they have contracted the disease on active service or not.

(3) Child welfare

(4) Work parties to provide the necessary garments, etc, for hospitals and health institutions in need of them.

(5) Assistance required in all branches of nursing, health and welfare work, ancillary to any organisations which have or may come into being in India and which are recognised by the Society

(6) Home Service Ambulance Work.

(7) Provision of comforts and assistance to members of His Majesty's Forces, whether on the active list or demobilised.

(8) Such other cognate objects as may, from time to time, be approved by the Society.

(9) The expenses of management of the Society and its branches and affiliated societies and bodies.

(10) The representation of the Society on or at International or other Committees formed for furthering objects similar to those of the Society

SECOND SCHEDULE.

SECOND SCHEDULE

(*See section 8*)

Statement showing contributions made by Provinces and States in India to the Central "Our Day" Fund and the approximate percentage of their claim on the interest on the capital fund of the Joint War Committee, Indian Branch

Names of Provinces, States, etc	Amount of contribution	Approximate percentage of claim on the interest of Capital Fund
	Lakhs	
United Provinces	15	18
Bombay	10	12
Bengal	10	12
Punjab	11	13
Burma	6	7
Central Provinces	4	4 5
Bihar and Orissa	5¼	6
Rajputana	4	4 5
Madras	6	7
Central India	3⅓	3 5
North-West Frontier	2¼	2 5
Hyderabad	3	3 5
Assam	1¼	1 5
Baluchistan	1¼	1 5
Mysore	1¼	1 5
Kashmir	1	1
Baroda	½	5
Delhi	⅔	5

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ACT No. XVI OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

(Received the assent of the Governor General on the 20th March, 1920.)

An Act to transfer the Jagannath College at Dacca from Trustees to the Governor of Bengal in Council.

WHEREAS by a deed of trust dated the first day of March, 1907 (hereinafter referred to as the principal deed), Kishori Lal Ray Chaudhuri, a zemindar of Dacca, transferred the institution at Dacca known as the Jagannath College, together with certain leasehold land, buildings and moveable property therein particularly referred to and described to Rai Chandra Kumar Dutt Bahadur, Ananda Chandra Ray and himself, and appointed them and himself as trustees, for the purposes, *inter alia*, of maintaining and managing the said institution in the manner and upon the terms set out in the principal deed;

AND WHEREAS the said Kishori Lal Ray Chaudhuri died on the third day of June, 1909;

AND WHEREAS by a further deed of trust, dated the twenty-fourth day of August, 1909, the said Rai Chandra Kumar Dutt Bahadur and Ananda Chandra Ray, as the then surviving trustees under the principal deed in pursuance of the authority therein contained, appointed Jasoda Lal Ray Chaudhuri, Kumar Ranendra Narayan Chaudhuri and Dinesh Chundra Ray Chaudhuri to be trustees jointly with them the said Rai Chandra Kumar Dutt Bahadur and Ananda Chandra Ray (all of which persons collectively are hereinafter referred to as the trustees), for the purposes aforesaid, and transferred

[*Price one anna and nine pies*]

ferred to the trustees, in addition to the said institution and the properties hereinbefore referred to certain other land therein particularly referred to and described,

AND WHEREAS it is expedient, in connection with the incorporation of the University of Dacca, to put an end to the said trusts and to vest the said institution and properties in the Governor of Bengal in Council,

It is hereby enacted as follows :—

Short title and commencement

1. (*1*) This Act may be called the Jagannath College Act, 1920.

(*2*) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, direct.

Transfer of Jagannath College with certain properties to the Local Government

2 (*1*) From the commencement of this Act, the institution heretofore known as the Jagannath College at Dacca, together with the leasehold and other land described in Parts I and II of the Schedule and all buildings and other erections standing or being thereon, and all moveable properties, funds, monies, rights and powers which, immediately before the commencement of this Act, were vested in or held by the trustees as such for the purposes of the principal deed, shall be transferred to, and shall be vested in and held by, the Governor of Bengal in Council (hereinafter referred to as the Local Government)

(*2*) All debts and liabilities of the Jagannath College shall, from the commencement of this Act, be transferred to the Local Government, which shall thereafter discharge and satisfy all such debts and liabilities out of the aforesaid properties

Indemnities

3. (*1*) No suit shall be instituted against the Local Government or against any officer of Government in respect of anything done or purporting to be done under this Act, or in respect of any alleged neglect or omission to perform any duty devolving upon the Local Government under this Act, or in respect of the exercise of, or failure to exercise, any power conferred on it by this Act

(*2*) No

(2) No suit shall lie against the trustees, or any of them, in respect of anything done or purporting to be done under this Act or for the purpose of giving effect to the provisions of this Act.

THE SCHEDULE

(*See section 2*)

PART I

A piece of valid *lakheraj* land in mahallah Patuatuly within the city of Dacca and under the jurisdiction of the town police-station, bounded and butted on the south by the public road, now named as Lyall Road, and by the buildings belonging to the late Gouranga Hari De and to the late Ramsunder Basak, which formerly belonged to Mr J P Wise and to Babu Ruplal Das and to Kunja Behari Gope, which formerly belonged to Durgamony and to the late Govinda Shaha And on the east by the premises belonging to the East Bengal Brahmo Somaj and by the western wall of the premises belonging to Jagat Sundari and by a portion of the western wall of the premises occupied by the Pogose School. And on the north by the southern wall of the premises occupied by the said Pogose School and by the building belonging to Babus Ruplal and Raghu Nath Das and others And on the west by a portion of the lane known as Kaviraja's Lane and by the premises belonging to Babu Kailash Chandra Das, which formerly belonged to the late Broja Chandra Mazumdar and by the premises now belonging to Rajani Kanta Gupta and by the premises belonging to Gourang Govinda Shaha, together with and containing (*a*) one two-storied building facing towards the south and running from east to west, and (*b*) one one-storied building to the north-east of the said two-storied building and also facing towards the south and running from east to west which two buildings are now mainly used by the aforesaid school, and (*c*) a walled enclosure, used as a privy by students, lying in the corner between the premises of Babus Ruplal

and

and Raghu Nath and others and the aforesaid western wall of the said Pogose School All these buildings are standing upon the said land. The premises is numbered now as 59 in the register of the Dacca Municipality

This property is held subject to the terms of a registered lease dated the 9th day of February, 1887, between Rebati Mohan Basak and others of the one part and Kishori Lal Ray Chaudhuri of the other part

PART II.

A piece of valid *lakheraj* land in the city of Dacca, within the jurisdiction of the sadar police-station and Sub-Registry office, under thak No. 216, being holding No 157 of the Dacca Municipality, bounded on the immediate south by the lands of Rash Behari Basak, Lal Mohan Basak and others and the Brahmo Somaj, on the immediate north by the premises of the Pogose School and the lane leading to the Small Cause Court and Pogose School, on the immediate west by the leasehold house of Ram Charan and Krishna Charan Basak, *i e*, by the present premises of the Jagannath College, and on the immediate east by the public road containing open lands with masonry walls and sheds, etc

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ACT No. XVII OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 22nd March, 1920)

An Act further to amend the Indian Income-tax Act, 1918

WHEREAS it is expedient further to amend the Indian Income-tax Act, 1918, It is hereby enacted as follows — VII of 1918

Short title and commencement

1. (*1*) This Act may be called the Indian Income-tax (Amendment) Act, 1920

(*2*) It shall come into force on the first day of April, 1920

Amendment of section 2, Act VII of 1918

2 In section 2 of the Indian Income-tax Act, 1918 (hereinafter referred to as the said Act), after clause (*12*), the following clause shall be inserted, namely — VII of 1918

"(*12A*) "Registered firm" means a firm constituted under an instrument of partnership specifying the individual shares of the partners of which the prescribed particulars have been registered with the Collector in the prescribed manner"

Amendment of section 3, Act VII of 1918

3. In sub-section (*2*) of section 3 of the said Act after clause (*ix*), the following clause shall be inserted, namely —

"(*x*) Agricultural income."

Amendment of section 14, Act VII of 1918

4 For the proviso to sub-section (*2*) of section 14 of the said Act the following shall be substituted, namely —

"Provided that, where the assessee is a company or a registered firm and the taxable income of such company or firm is two thousand rupees or upwards, income-tax

[*Price one anna and three pies*]

income-tax shall be levied at the maximum rate specified in Schedule I"

Insertion of new section 14A in Act VII of 1918.

Reduction of tax when margin above a certain limit is small

5 In Chapter I of the said Act after section 14 the following section shall be inserted, namely —

"14A. (*1*). Where owing to the fact that the total income of any person has reached or exceeded a certain limit, he is liable to pay income-tax at a higher rate, the amount of income-tax payable by him shall, where necessary, be reduced so as not to exceed the aggregate of the following amounts, namely —

(*a*) the amount which would have been payable if his total income had been a sum less by one rupee than that limit, and

(*b*) the amount by which his total income exceeds that sum.

(*2*) The income-tax payable by any person shall in no case exceed the amount by which his taxable income is greater than two thousand rupees."

Repeals

6 The sections of the said Act mentioned in the Schedule are hereby repealed to the extent specified in the second column thereof:

Provided that such repeal shall not affect the liability of any person to pay any sum due from him or any existing right of refund under the said Act

SCHEDULE

(*See section 6*)

SECTIONS REPEALED

Section	Extent of repeal
Section 4 .	The whole
Section 6 .	The words—"(*i*) any salary not exceeding five hundred rupees per mensem received by any member of His Majesty's Forces, or of His Majesty's Indian Forces, as the pay of an appointment which is ordinarily reserved exclusively for members of those Forces or (*ii*)"
Section 11 .	The words "with the exception of agricultural income"
Section 13 .	The words "salaries and,"
Section 53 . .	The second proviso

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THE DACCA UNIVERSITY ACT, 1920
(XVIII OF 1920)

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[*Price nine annas.*]

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THE SCHEDULE

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ACT No. XVIII OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 23rd March, 1920)

An Act to establish and incorporate a unitary teaching and residential University at Dacca

WHEREAS it is expedient to establish and incorporate a unitary teaching and residential University at Dacca, It is hereby enacted as follows —

Short title and commencement

1 (*1*) This Act may be called the Dacca University Act, 1920.

(*2*) It shall, save as otherwise expressly provided herein, come into force on such date as the Governor General in Council may, by notification in the Gazette of India, direct.

Definitions

2. In this Act, and in all Statutes made hereunder, unless there is anything repugnant in the subject or context,—

(*a*) "Hall" means a unit of residence for students of the University provided or maintained by the University,

(*b*) "Hostel" means a unit of residence for students of the University provided otherwise than by the University, and not maintained by the University but approved and licensed by the University in accordance with the provisions of this Act;

(*c*) "Local Government" means the Governor of Bengal in Council;

(*d*) "Provost" means the head of a Hall;

(*e*) "registered

(*e*) "registered graduates" means graduates registered under the provisions of this Act,

(*f*) "Statutes," "Ordinances" and "Regulations" mean, respectively, the Statutes, Ordinances and Regulations of the University for the time being in force,

(*g*) "teachers" includes Professors, Readers and Lecturers;

(*h*) "University" means the University of Dacca; and

(*i*) "Warden" means the head of a Hostel.

The University.

The University.

3 (*1*) The first Chancellor and Vice-Chancellor of the University and the first members of the Court, the Executive Council and the Academic Council and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of the University of Dacca

(*2*) The University shall have perpetual succession and a Common Seal, and shall sue and be sued by the said name

Powers of the University.

4 The University shall have the following powers, namely —

(1) to provide for instruction in such branches of learning as the University may think fit, and to make provision for research and for the advancement and dissemination of knowledge,

(2) to hold examinations and to grant and confer degrees and other academic distinctions to and on persons who—

(*a*) shall have pursued a course of study in the University, or

(*b*) are teachers in educational institutions,

under conditions laid down in the Ordinances and Regulations, and shall have passed the examinations of the University, under like conditions,

(3) to

(3) to confer honorary degrees or other distinctions on approved persons in the manner laid down in the Statutes,

(4) to grant such diplomas to and to provide such lectures and instruction for persons, not being members of the University, as the University may determine,

(5) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine,

(6) to institute Professorships, Readerships, Lectureships and any other teaching posts required by the University, and to appoint persons to such Professorships, Readerships, Lectureships and posts,

(7) to institute and award Fellowships, Scholarships, Exhibitions and Prizes in accordance with the Statutes and the Regulations,

(8) to institute and maintain Halls for the residence of students of the University, and to approve and license Hostels maintained by other persons for the residence of such students,

(9) to demand and receive such fees as may be prescribed in the Ordinances,

(10) to supervise and control the residence and discipline of students of the University, and to make arrangements for promoting their health, and

(11) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University as a teaching and examining body, and to cultivate and promote arts, science and other branches of learning.

University open to all classes, castes and creeds

5. The University shall be open to all persons of either sex and of whatever race, creed or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted thereto as a teacher or student, or to hold any office therein, or to graduate thereat, or to enjoy or exercise any privilege thereof, except where such test

is specially prescribed by the Statutes, or, in respect of any particular benefaction accepted by the University where such test is made a condition thereof, by any testamentary or other instrument creating such benefaction:

Provided that nothing in this section shall be deemed to prevent religious instruction being given in the manner prescribed by the Ordinances to those not unwilling to receive it by persons (whether teachers of the University or not) approved for that purpose by the Executive Council.

Teaching of the University.

6. (*1*) All recognised teaching in connection with the University courses shall be conducted by the University, and shall include lecturing, laboratory work and other teaching conducted in the University by the Professors, Readers, Lecturers and other teachers thereof in accordance with any syllabus prescribed by the Regulations

(*2*) The authorities responsible for organising such teaching shall be prescribed by the Statutes

(*3*) The courses and curricula shall be prescribed by the Ordinances and the Regulations

(*4*) Recognised teaching shall be supplemented by tutorial instruction given in the University or, under the control of the University, in Halls and Hostels

(*5*) It shall not be lawful for the University to conduct courses or maintain classes for the purpose of preparing students for admission to the University.

The Visitor.

The Visitor

7. (*1*) The Governor General shall be the Visitor of the University.

(*2*) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct of the University, its buildings, laboratories, equipment, and of any institutions associated with the University, and also of the examinations, teaching and other work conducted or done by the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the

the University. The Visitor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to be represented thereat

(*3*) The Visitor may address the Chancellor with reference to the results of such inspection or inquiry, and the Chancellor shall communicate to the Executive Council the views of the Visitor and shall, after ascertaining, if he so thinks fit, the opinion of the Executive Council thereon, advise the University upon the action to be taken thereon

(*4*) The Executive Council shall report to the Chancellor for communication to the Visitor such action, if any, as it is proposed to take or has been taken upon the results of such inspection or inquiry

(*5*) Where the Executive Council does not, within a reasonable time, take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Executive Council, issue such directions as he may think fit, and the Executive Council shall comply with such directions

Officers of the University.

Officers of the University

8 The following shall be the officers of the University —

(I) The Chancellor,

(II) The Vice-Chancellor,

(III) The Treasurer,

(IV) The Provosts,

(V) The Registrar,

(VI) The Deans of the Faculties, and

(VII) Such other officers as may be declared by the Statutes to be officers of the University.

The Chancellor

9 (*1*) The Chancellor shall be the Governor of Bengal He shall by virtue of his office be the head of the University and the President of the Court, and shall when present preside at meetings of the Court and at any Convocation of the University.

(*2*) The

(*2*) The Chancellor shall have such powers as may be conferred on him by this Act or the Statutes

(*3*) Every proposal for the conferment of an honorary degree shall be subject to the confirmation of the Chancellor.

(*4*) The Chancellor shall, where committees of selection for Professorships and Readerships are constituted in British India, appoint in the manner prescribed by the Statutes one or more members of every such committee.

The Vice-Chancellor

10. (*1*) The Vice-Chancellor shall be appointed by the Chancellor after consideration of the recommendations of the Executive Council, and shall hold office for such term and subject to such conditions as may be prescribed by the Statutes

(*2*) Where any temporary vacancy in the office of the Vice-Chancellor occurs by reason of leave, illness or other cause, the Executive Council shall forthwith report the same to the Chancellor, who shall make such arrangements for carrying on the office of the Vice-Chancellor as he may think fit

Powers and duties of the Vice Chancellor

11 (*1*) The Vice-Chancellor shall be a whole-time officer of the University. He shall be the principal executive and academic officer of the University, and shall, in the absence of the Chancellor, preside at meetings of the Court and at any Convocation of the University. He shall be an *ex-officio* member and Chairman of the Executive Council and of the Academic Council, and shall be entitled to be present and to speak at any meeting of any authority or other body of the University, but shall not be entitled to vote thereat, unless he is a member of the authority or body concerned.

(*2*) It shall be the duty of the Vice-Chancellor to see that this Act, the Statutes and the Ordinances are faithfully observed, and he shall have all powers necessary for this purpose

(*3*) The Vice-Chancellor shall have power to convene meetings of the Court, the Executive Council and the Academic Council

(*4*) In

(*4*) In any emergency which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, the Vice-Chancellor shall take such action as he deems necessary, and shall within seven days thereafter report his action to the officer, authority or other body who or which in the ordinary course would have dealt with the matter.

(*5*) The Vice-Chancellor shall give effect to the orders of the Executive Council regarding the appointment, dismissal and suspension of the officers and teachers of the University, and shall exercise general control over the members of the University. He shall be responsible for the discipline of the University in accordance with this Act, the Statutes and the Ordinances

(*6*) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes and the Ordinances

12 (*1*) The Treasurer shall be appointed by the Chancellor upon such conditions and for such period, and shall receive such remuneration (if any) from the funds of the University, as the Chancellor shall deem fit. The Treasurer.

(*2*) Where any temporary vacancy in the office of the Treasurer occurs by reason of leave, illness or other cause, the Executive Council shall forthwith report the same to the Chancellor, who shall make such arrangements for carrying on the office of the Treasurer as he may think fit.

(*3*) The Treasurer shall exercise general supervision over the funds of the University, and shall advise in regard to its financial policy.

(*4*) He shall be an *ex-officio* member of the Executive Council, and shall, subject to the control of the Executive Council, manage the property and investments of the University He shall be responsible for the presentation of the annual estimates and statement of accounts

(*5*) Subject to the powers of the Executive Council, he shall be responsible for seeing that all monies

monies are expended on the purpose for which they are granted or allotted

(*6*) All contracts shall be signed by the Treasurer on behalf of the University.

(*7*) He shall exercise such other powers as may be prescribed by the Statutes and the Ordinances

The Registrar

13 The Registrar shall act as Secretary of the Court and the Executive Council He shall maintain a register of registered graduates in accordance with the Statutes, and shall exercise such other powers as may be prescribed by the Statutes and the Ordinances

Other officers.

14. The powers of officers of the University other than the Chancellor, the Vice-Chancellor, the Treasurer and the Registrar, shall be prescribed by the Statutes and the Ordinances.

Authorities of the University

Authorities of the University

15 The following shall be the authorities of the University —

I The Court,

II The Executive Council,

III The Academic Council,

IV The Faculties, and

V. Such other authorities as may be declared by the Statutes to be authorities of the University.

The Court

16 (*1*) The Court shall consist of the following persons, namely :—

Class I.—Ex-officio members.

(*i*) The Chancellor,

(*ii*) The Vice-Chancellor,

(*iii*) The Treasurer,

(*iv*) The Registrar,

(*v*) The Provosts and Wardens,

(*vi*) The Professors and Readers, and

(*vii*) such

(*vii*) such other *ex-officio* members as may be prescribed by the Statutes

Class II — Other members.

(*viii*) Graduates of the University elected by the registered graduates from among their own body,

(*ix*) five Lecturers elected by the teachers of the University,

(*x*) persons appointed by the Chancellor,

(*xi*) persons appointed by the Chief Commissioner of Assam, whose number shall be determined by the Chancellor,

(*xii*) ten persons appointed by associations or other bodies approved in this behalf by the Chancellor, and

(*xiii*) persons (if any) appointed by the Chancellor to be life-members on the ground that they have rendered great services to education or have made substantial donations to the University.

(*2*) The number of members to be elected or appointed under clauses (*viii*) and (*x*) and the tenure of office of members to be elected or appointed under clauses (*viii*), (*x*), (*xi*) and (*xii*) of sub-section (*1*) shall be prescribed by the Statutes, and the manner of voting for the election of members to be elected under clauses (*viii*) and (*ix*) of sub-section (*1*) shall be prescribed by the Ordinances

Meetings of the Court

17. (*1*) The Court shall, on a date to be fixed by the Vice-Chancellor, meet once a year at a meeting to be called the annual meeting of the Court

(*2*) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than thirty members of the Court, convene a special meeting of the Court.

Powers and duties of the Court

18. Subject to the provisions of this Act, the Court shall exercise the following powers and perform the following duties, namely :—

(*a*) of making Statutes, and of amending or repealing the same,

(*b*) of

(*b*) of considering and cancelling Ordinances, and

(*c*) of considering and passing resolutions on the annual report, the annual accounts and the financial estimates,

and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the Statutes

The Executive Council

19. The Executive Council shall be the executive body of the University, and its constitution and the terms of office of its members, other than *ex-officio* members, shall be prescribed by the Statutes.

Powers and duties of the Executive Council

20. The Executive Council—

(*a*) shall hold, control and administer the property and funds of the University, and for these purposes shall appoint from among its own members a Finance Committee to advise it on matters of finance. The Treasurer shall be Chairman of the Finance Committee, and at least one member of the Committee shall be a member elected to the Executive Council by the Court;

(*b*) shall direct the form, custody and use of the Common Seal of the University,

(*c*) shall, subject to the powers conferred by this Act on the Vice-Chancellor, regulate and determine all matters concerning the University in accordance with this Act, the Statutes and the Ordinances:

Provided that no action shall be taken by the Executive Council in respect of the fees paid to examiners and the emoluments of teachers otherwise than on the recommendation of the Academic Council,

(*d*) shall lay before the Local Government annually a full statement of all the requests received by it for financial assistance from any institution associated with

with the University, together with its views thereon,

(*e*) shall administer any funds placed at the disposal of the University for specific purposes,

(*f*) save as otherwise provided by this Act or the Statutes, shall appoint the officers (other than the Chancellor, the Vice-Chancellor and the Treasurer), teachers, clerical staff and servants of the University, and shall define their duties and the conditions of their service, and shall provide for the filling of temporary vacancies in their posts;

(*g*) shall have power to accept transfers of any moveable or immoveable property on behalf of the University,

(*h*) shall publish the results of the University examinations,

(*i*) shall exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes; and

(*j*) shall exercise all other powers of the University not otherwise provided for by this Act or the Statutes

The Academic Council

21. The Academic Council shall be the academic body of the University, and shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the control and general regulation, and be responsible for the maintenance of standards of instruction, education and examination within the University, and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes. It shall have the right to advise the Executive Council on all academic matters. The constitution of the Academic Council and the term of office of its members, other than *ex-officio* members, shall be prescribed by the Statutes.

22. (*1*) The

The Faculties

22. (*1*) The University shall include the Faculties of Arts, Science, Law, Medicine and Agriculture, and such other Faculties (whether formed by the sub-division or combination of an existing Faculty or Faculties, or by the creation of a new Faculty or otherwise) as may be prescribed by the Statutes. Each Faculty shall, subject to the control of the Academic Council, have charge of the teaching and the courses of study and the research work in such subjects as may be assigned to such Faculty by the Ordinances.

(*2*) The constitution and powers of the Faculties shall be prescribed by the Statutes

(*3*) There shall be a Dean of each Faculty, who shall be elected in the manner laid down in sub-section (*6*), and shall be responsible for the due observance of the Statutes, Ordinances and Regulations relating to the Faculty.

(*4*) Each Faculty shall comprise such Departments of teaching as may be prescribed by the Ordinances. The head of every such Department shall be the Professor of the Department or, if there is no Professor, the Reader If there is more than one Professor or more than one Reader of a Department, as the case may be, the Vice-Chancellor shall appoint such Professor or Reader to be head of the Department as he thinks fit. The head of the Department shall be responsible to the Dean for the organisation of the teaching in that Department

(*5*) The Ordinances shall provide for Departments of Oriental Studies (including Departments of Islamic and Sanskritic Studies) in the Faculty of Arts, in which the same degrees shall be conferred as in the other Departments of that Faculty.

(*6*) The Dean of a Faculty shall be elected by the Faculty from among the heads of Departments of the Faculty. The Dean shall receive in respect of his duties as Dean such additional remuneration (if any) as shall be fixed by the Executive Council, and shall hold office as Dean for such term as may be prescribed by the Statutes.

23. The

23. The constitution, powers and duties of such other authorities as may be declared by the Statutes to be authorities of the University shall be provided for in the manner prescribed by the Statutes. Other authorities of the University.

University Boards.

24. The University shall include a Residence, Health and Discipline Board and such other Boards as may be prescribed by the Statutes. University Boards.

25 The constitution, powers and duties of the Residence, Health and Discipline Board and of all other Boards of the University shall be prescribed by the Ordinances. Constitution, etc of Boards to be prescribed by Ordinances

Statutes, Ordinances and Regulations.

26. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely — Statutes

(*a*) the conferment of honorary degrees,
(*b*) the institution of Fellowships, Scholarships, Exhibitions and Prizes;
(*c*) the term of office and conditions of service of the Vice-Chancellor;
(*d*) the designations and powers of the officers of the University,
(*e*) the constitution, powers and duties of the Court, the Executive Council, the Academic Council and the Faculties;
(*f*) the institution and maintenance of Halls and the management of Hostels,
(*g*) the mode of appointment of the Professors and Readers of the University;
(*h*) the constitution of a pension or provident fund for the benefit of the officers, teachers, clerical staff and servants of the University;
(*i*) the maintenance of a register of registered graduates; and
(*j*) all matters which by this Act are to be or may be prescribed by the Statutes.

27. (*1*) The

Statutes how made

27 (*1*) The first Statutes shall be those set out in the Schedule

(*2*) The Statutes may be amended, repealed or added to by Statutes made by the Court in the manner hereinafter appearing.

(*3*) The Executive Council may propose to the Court the draft of any Statute to be passed by the Court. Such draft shall be considered by the Court at its next meeting The Court may approve such draft and pass the Statute, or may reject it or return it to the Executive Council for re-consideration, either in whole or in part, together with any amendments which the Court may suggest

(*4*) Where any Statute has been passed or a draft of a Statute has been rejected by the Court, it shall be submitted to the Chancellor, who may refer the Statute or draft back to the Court for further consideration or, in the case of a Statute passed by the Court, assent thereto or withhold his assent A Statute passed by the Court shall have no validity until it has been assented to by the Chancellor

(*5*) The Executive Council shall not propose the draft of any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal. Any opinion so expressed shall be in writing and shall be considered by the Court, and shall be submitted to the Chancellor

(*6*) Notwithstanding anything contained in this section, no Statute shall be made affecting the proportion or method of Muhammadan representation on the Court, the Executive Council or the Academic Council, save with the previous sanction of the Governor General in Council.

Ordinances.

28 Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely —

(*a*) the courses of study to be laid down for all degrees and diplomas of the University;

(*b*) the

(*b*) the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the University, and shall be eligible for degrees and diplomas;

(*c*) the admission of students to the University,

(*d*) the conditions of residence of the students of the University, the levying of fees for residence in Halls, and the licensing of Hostels,

(*e*) the fees to be charged for courses of study in the University and for admission to the examinations, degrees, and diplomas of the University,

(*f*) the giving of religious instruction,

(*g*) the formation of Departments of teaching in the Faculties,

(*h*) the constitution, powers and duties of the Boards of the University,

(*i*) the conduct of examinations, and

(*j*) all matters which by this Act or the Statutes are to be or may be provided for by the Ordinances

Ordinances how made

29. (*1*) Save as otherwise provided in this section, Ordinances shall be made by the Executive Council.

Provided that no Ordinance shall be made—

(*a*) affecting the admission of students, or prescribing examinations to be recognised as equivalent to the University examinations or the further qualifications mentioned in sub-section (*2*) of section 34 for admission to the degree courses of the University, unless a draft of the same has been proposed by the Academic Council, or

(*b*) affecting the conduct or standard of examinations or any course of study, except in accordance

accordance with a proposal of the Faculty or Faculties concerned, and unless a draft of such Ordinance has been proposed by the Academic Council, or

(*c*) affecting the conditions of residence of students, except after consultation with the Residence, Health and Discipline Board.

(*2*) The Executive Council shall not have power to amend any draft proposed by the Academic Council under sub-section (*1*), but may reject it or return it to the Academic Council for re-consideration, either in whole or in part, together with any amendments which the Executive Council may suggest.

(*3*) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Chancellor and the Court, and shall be considered by the Court at its next meeting. The Court shall have power, by a resolution passed by a majority of not less than two-thirds of the members voting, to cancel any Ordinance made by the Executive Council, and such Ordinance shall, from the date of such resolution, be void

(*4*) The Chancellor may, at any time after any Ordinance has been considered by the Court, signify to the Executive Council his disallowance of such Ordinance, and, from the date of receipt by the Executive Council of intimation of such disallowance, such Ordinance shall become void.

(*5*) The Chancellor may direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance An order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order, or on the expiration of fifteen days from the date of consideration of the Ordinance by the Court, whichever period expires later.

(*6*) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Chancellor

Chancellor, who may, if he approves the draft, make the Ordinance An Ordinance made under this sub-section shall cease to have effect on the expiry of six months from the making thereof

30. (*1*) The authorities and the Boards of the University may make Regulations consistent with this Act, the Statutes and the Ordinances— Regulations

(*a*) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;

(*b*) providing for all matters which by this Act, the Statutes or the Ordinances are to be prescribed by Regulations, and

(*c*) providing for all other matters solely concerning such authorities and Boards and not provided for by this Act, the Statutes and the Ordinances

(*2*) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be considered at meetings, and for the keeping of a record of the proceedings of meetings.

(*3*) The Executive Council may direct the amendment, in such manner as it may specify, of any Regulation made under this section or the annulment of any Regulation made under sub-section (*1*)

Provided that any authority or Board of the University which is dissatisfied with any such direction may appeal to the Chancellor, whose decision in the matter shall be final.

Residence, Halls and Hostels.

31. Every student of the University shall reside in a Hall or Hostel, or under such conditions as may be prescribed by the Statutes and the Ordinances. Residence

32. The

Halls

32. The Halls of the University shall be—

(*a*) the Dacca Hall,

(*b*) the Muhammadan Hall,

(*c*) the Jagannath Hall, and

(*d*) such other Halls as may be prescribed by the Statutes.

Hostels

33. (*1*) The Hostels shall be such as may hereafter be approved and licensed by the Executive Council on such general or special conditions as may be prescribed by the Ordinances

(*2*) The Wardens and superintending staff of Hostels shall be appointed in the manner prescribed by the Statutes.

(*3*) The conditions of residence in Hostels shall be prescribed by the Ordinances, and every Hostel shall be subject to inspection by any member of the Residence, Health and Discipline Board authorised in this behalf by the Board and by any officer of the University authorised in this behalf by the Executive Council

(*4*) The Executive Council shall have power to suspend or withdraw the license of any Hostel which is not conducted in accordance with the conditions prescribed by the Ordinances.

Admission and Examinations.

Admission to University courses.

34. (*1*) Admission of students to the University shall be made by an admission committee (including at least one Provost and one Warden) appointed for that purpose by the Academic Council

(*2*) Students shall not be eligible for admission to a course of study for a degree unless they have passed the Intermediate Examination of an Indian University incorporated by any law for the time being in force, or an examination recognised in accordance with the provisions of this section as equivalent thereto, and possess such further qualifications as may be prescribed by the Ordinances.

(*3*) The

(*3*) The conditions under which students may be admitted to the diploma courses of the University shall be prescribed by the Ordinances.

(*4*) The University shall not, save with the previous sanction of the Governor General in Council, recognise (for the purposes of admission to a course of study for a degree), as equivalent to its own degrees, any degree conferred by any other University, or, as equivalent to the Intermediate Examination of an Indian University, any examination conducted by any other authority

35. (*1*) All arrangements for the conduct of examinations shall be made, and all examiners shall be appointed by the Academic Council in such manner as may be prescribed by this Act and the Ordinances. Examinations

(*2*) If during the course of an examination any examiner is for any cause incapable of acting as such, the Vice-Chancellor shall appoint an examiner to fill the vacancy.

(*3*) At least one examiner who is not a member of the University shall be appointed for each subject included in a Department of teaching and forming part of the course which is required for a University degree

(*4*) The Academic Council shall appoint examination committees, consisting of members of its own body or of other persons or of both, as it thinks fit, to moderate examination questions, to prepare the results of the examinations and to report such results to the Executive Council for publication

Annual Report and Accounts.

36 The annual report of the University shall be prepared under the direction of the Executive Council, and shall be submitted to the Court on or before such date as may be prescribed by the Statutes, and shall be considered by the Court at its annual meeting The Court may pass resolutions thereon and communicate the same to the Executive Annual report

tive Council which shall take such action thereon as it thinks fit

Annual accounts

37. (*1*) The annual accounts and balance-sheet of the University shall be prepared under the direction of the Executive Council, and shall be submitted to the Local Government for the purposes of audit

(*2*) The accounts when audited shall be published by the Executive Council in the Calcutta Gazette, and copies thereof shall, together with copies of the audit report, if any, be submitted to the Court, to the Local Government and to the Governor General in Council. The Executive Council shall also submit to the Court, on or before such date as may be prescribed by the Statutes, a statement of the financial estimates for the ensuing year.

(*3*) The annual accounts and the financial estimates shall be considered by the Court at its annual meeting, and the Court may pass resolutions thereon and communicate the same to the Executive Council which shall take such action thereon as it thinks fit.

Supplementary Provisions

Removal of names of registered graduates.

38. The Chancellor shall, with the concurrence of not less than two-thirds of the members of the Executive Council for the time being in India, have power to remove the name of any person from the register of registered graduates

Disputes as to constitution of University authorities and bodies.

39 If any question arises whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Chancellor, whose decision thereon shall be final

Appeals to Chancellor.

40 (*1*) An appeal may be made by petition to the Chancellor against the order of any officer or authority of the University affecting any class of persons in the University. The Chancellor shall send a copy of any such petition to the officer or authority

authority concerned, and shall give such officer or authority an opportunity to show cause why the appeal should not be entertained.

(*2*) The Chancellor may reject any such appeal or may, if he thinks fit, appoint a commission of persons, not being officers of the University or members of any authority thereof, to inquire into the matter and report to him thereon On receipt of the commission's report, the Chancellor shall send a copy thereof to the Executive Council The Executive Council shall take such report into consideration and shall, within three months of the receipt thereof, pass a resolution thereon which shall be communicated to the Chancellor

(*3*) A commission appointed under sub-section (*2*) may require any officer or authority of the University to furnish it with any papers or information which are, in the opinion of the commission, relevant to the matter under inquiry, and such officer or authority shall be bound to comply with such requisition.

Constitution of committees

41 Where any authority of the University is given power by this Act or the Statutes to appoint committees, such committees shall, unless otherwise provided, consist of members of the authority concerned and of such other persons (if any) as the authority in each case may think fit.

Filling of casual vacancies

42 All casual vacancies among the members (other than *ex-officio* members) of any authority or other body of the University shall be filled as soon as conveniently may be by the person or body who appointed, elected or co-opted the member whose place has become vacant, and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

Proceedings of University authorities and bodies not invalidated by vacancies.

43. No act or proceeding of any authority or other body of the University shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members.

44. (*1*) Every

Conditions of service

44. (1) Every salaried officer and teacher of the University shall be appointed on a written contract The contract shall be lodged with the Registrar of the University, and a copy thereof shall be furnished to the officer or teacher concerned

(2) Any member of the public services in India whom it is proposed to appoint to a post in the University shall, subject to the approval of such appointment by the Government, have the option—

(i) of having his services lent to the University for a specified period and remaining liable to recall to Government service at the discretion of the Government at the end of that period, or

(ii) of resigning Government service on entering the service of the University.

Tribunal of Arbitration

45. Any dispute arising out of a contract between the University and any officer or teacher of the University shall, on the request of the officer or teacher concerned, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the officer or teacher concerned, and an umpire appointed by the Chancellor The decision of the Tribunal shall be final, and no suit shall lie in any Civil Court in respect of the matters decided by the Tribunal. Every such arbitration shall be subject to the provisions of the Indian Arbitration Act, 1899, so far as the same may be applicable thereto IX of 1899

Pension or provident fund

46 (1) The University shall constitute for the benefit of its officers, teachers, clerical staff and servants a pension or provident fund in such manner and subject to such conditions as may be prescribed by the Statutes

(2) Where such a pension or provident fund has been so constituted, the Governor General in Council may, notwithstanding anything contained in the Provident Funds Act, 1897, by notification in the Gazette of India, declare that the provisions of the said Act shall apply to such fund as if it were a Government Provident Fund. IX of 1897

47. Save

47. Save as otherwise provided in this Act, the powers of the University conferred by or under this Act shall not extend beyond a radius of five miles from the Convocation Hall of the University Notwithstanding anything in any other law for the time being in force, no educational institution beyond that limit shall be associated with or admitted to any privileges of the University, and no educational institution within that limit shall be associated in any way with or be admitted to any privileges of any other University incorporated by law in British India, and any such privileges granted by any such other University to any educational institution within that limit prior to the commencement of this Act shall be deemed to be withdrawn on the commencement of this Act . Territorial exercise of powers

Provided that nothing in this section shall apply to any agricultural or other technical institution established or maintained in connection with the University with the sanction of the Governor General in Council ·

Provided, further, that it shall be lawful for any Faculty, other than the Faculties of Arts and Science, to assemble at Calcutta whenever, in the opinion of the Vice-Chancellor, such a course is necessary.

Transitory Provisions.

48 Notwithstanding anything contained in this Act or the Ordinances, any student of the Dacca College, the Dacca Law College, the Dacca Training College, or the Jagannath College at Dacca who immediately prior to the commencement of this Act, was studying for any examination of the Calcutta University higher than the Intermediate Examination shall be permitted to complete his course in preparation therefor, and the University shall provide for such students instruction and examinations in accordance with the Prospectus of Studies of the Calcutta University Completion of courses for students at Dacca Colleges

49. The first Vice-Chancellor may be appointed at any time after the passing of this Act Such appointment Appointment of first Vice-Chancellor

appointment shall, notwithstanding anything contained in sub-section (*1*) of section 10, be made by the Governor General in Council for such term and on such conditions as he thinks fit

First appointments of University staff

50 (*1*) At any time after the passing of this Act and until such time as the authorities of the University shall have been duly constituted—

(*a*) the Treasurer may be appointed by the Governor of Bengal,

(*b*) any other officers of the University may be appointed by the Vice-Chancellor with the previous sanction of the Governor of Bengal,

(*c*) teachers of the University shall be appointed by the Governor of Bengal after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor, the Director of Public Instruction, Bengal, and such other person or persons, if any, as the Governor of Bengal thinks fit to associate with them.

(*2*) Any appointment made under sub-section (*1*) shall be for such period and on such conditions as the appointing authority thinks fit

Provided that no such appointment shall be made until financial provision has been made therefor by the Local Government or otherwise.

Extraordinary powers of the Vice-Chancellor

51. At any time after the passing of this Act, the Vice-Chancellor may, with the previous approval of the Chancellor and subject to the provision of funds by the Local Government or otherwise, take such action, consistent so far as may be with the provisions of this Act and the Statutes, as he may think necessary for the purpose of bringing the University into being, and for that purpose may exercise any power which by this Act or the Statutes is to be conferred on any officer or authority of the University.

THE SCHEDULE

THE SCHEDULE.

THE FIRST STATUTES OF THE UNIVERSITY.

[*See section 27 (1)*]

1. In these Statutes, unless there is anything repugnant in the subject or context,— Definitions

(*a*) "the Act" means the Dacca University Act, 1920, and "section" means a section of the Act, and

(*b*) "officers," "authorities," "Professors," "Readers," "Lecturers," "teachers," "clerical staff," "servants" and "registered graduates" mean, respectively, officers, authorities, Professors, Readers, Lecturers, teachers, clerical staff, servants and registered graduates of the University.

2. (*1*) In addition to the officers mentioned in sub-section (*1*) of section 16, the following persons shall be *ex-officio* members of the Court, namely — Constitution of the Court

(*i*) the members of the Executive Council of the Governor of Bengal,

(*ii*) the Vice-Chancellor of the University of Calcutta;

(*iii*) the Commissioner, the Collector and the District and Sessions Judge of Dacca,

(*iv*) the Director of Public Instruction in Bengal or the Secretary (if any) to the Local Government in the Department of Education, and the Director of Public Instruction in Assam;

(*v*) the Director of Agriculture for Bengal,

(*vi*) the Director of Industries for Bengal;

(*vii*) the Civil Surgeon of Dacca,

(*viii*) the Superintending Engineer, Eastern Circle, Bengal,

(*ix*) the

(*ix*) the Assistant Director of Public Instruction for Muhammadan education in Bengal,

(*x*) the Chairman of the Dacca Municipality and of the Dacca District Board,

(*xi*) the Inspector of Schools of the Dacca Division,

(*xii*) the Inspectress of Girls' Schools for the Dacca Circle;

(*xiii*) the Proctor of the University;

(*xiv*) the Librarian of the University; and

(*xv*) the Principals of the Dacca Medical School, the Dacca Madrassah, the Calcutta Madrassah, the Chittagong Madrassah, the Sylhet Madrassah, and the Eden High School, the President of the Saraswat Samaj and the Principals of all educational institutions in the Dacca Division which prepare students for admission to the degree courses of a University.

(*2*) The number of graduates to be elected as members of the Court by the registered graduates from among their own body shall be thirty, of whom fifteen shall be Muhammadan graduates elected by the Muhammadan registered graduates, and fifteen shall be non-Muhammadan graduates elected by the non-Muhammadan registered graduates.

(*3*) The number of persons to be appointed by the Chancellor under clause (*x*) of sub-section (*1*) of section 16 shall be forty:

Provided that the Chancellor shall, in making such appointments, secure that, as far as possible, fifty per cent of the non-European members of the Court shall be Muhammadans.

(*4*) Save as otherwise provided, members of the Court other than *ex-officio* members shall hold office for a period of three years

Provided that members elected by the Academic Council shall hold office so long only within the said period as they continue to be teachers.

3. (*1*) The

3. (*1*) The members of the Executive Council, in addition to the Vice-Chancellor and the Treasurer, shall be— Constitution of the Executive Council

Class I—Ex-officio members

(*i*) The Commissioner of the Dacca Division,
(*ii*) the Deans of the Faculties,
(*iii*) the Provosts of the Dacca, the Muhammadan and the Jagannath Halls

Class II—Other members.

(*iv*) Two non-Muhammadan members of the Court elected by the non-Muhammadan members thereof at its annual meeting;
(*v*) two Muhammadan members of the Court elected by the Muhammadan members thereof at its annual meeting, and
(*vi*) four persons, of whom at least two shall be teachers, appointed by the Chancellor Provided that, so long as one-half of the non-European members of the Executive Council, as constituted under this sub-clause but excluding the Vice-Chancellor and the Treasurer, are not Muhammadans, any person so appointed shall be a Muhammadan

(*2*) The Executive Council as constituted under sub-clause (*1*) shall co-opt as member one Warden

(*3*) Members other than *ex-officio* members shall hold office for a period of three years

Provided that members elected by any body of persons from among their own number shall hold office so long only within the said period as they continue to be members of the body which elected them.

4 Subject to the provisions of the Act, the Executive Council shall have the following powers, namely — Powers of the Executive Council

(*a*) to institute, at its discretion, such Professorships, Readerships, Lectureships, or other teaching

teaching posts as may be proposed by the Academic Council,

(*b*) to abolish or suspend, after report from the Academic Council thereon, any Professorship, Readership, Lectureship, or other teaching post,

(*c*) to appoint, in accordance with the Statutes, teachers, officers, clerical staff and servants,

(*d*) to delegate, subject to such conditions as may be prescribed by Regulations made by the Executive Council, its power to appoint teachers, officers, clerical staff and servants to such person or authority as the Executive Council may determine,

(*e*) to manage and regulate the finances, accounts, investments, property and all administrative affairs whatsoever of the University, and for that purpose, to appoint such agents as it may think fit,

(*f*) to accept bequests, donations and transfers of property to the University

Provided that all such bequests, donations and transfers shall be reported to the Court at its next meeting,

(*g*) to provide the buildings, premises, furniture, apparatus, equipment and other means needed for carrying on the work of the University,

(*h*) after report from the Finance Committee to enter into, vary, carry out and cancel contracts on behalf of the University; and

(*i*) to invest any monies belonging to the University, including any unapplied income, in any of the securities described in section 20 of the Indian Trusts Act, 1882, II of 1882 or in the purchase of immoveable property in India, with the like power of varying such investments; or to place on fixed deposit in any bank approved in this behalf

behalf by the Local Government any portion of such monies not required for immediate expenditure

5. (*1*) The members of the Academic Council, in addition to the Vice-Chancellor, shall be— The Academic Council

Class I—Ex-officio members.

(*i*) The Deans of the Faculties,

(*ii*) the Librarian of the University,

(*iii*) the Professors, and

(*iv*) the Provosts.

Class II—Other members.

(*v*) One Warden nominated by the Vice-Chancellor, and

(*vi*) persons, if any, not exceeding three in number and not being teachers, appointed by the Chancellor on account of their possessing expert knowledge in such subjects of study as may be selected by the Academic Council as constituted under heads (*i*) to (*v*).

(*2*) The Academic Council as constituted under sub-clause (*1*) shall co-opt as members three Readers and two Lecturers.

(*3*) The Academic Council as constituted under sub-clauses (*1*) and (*2*) shall co-opt as members teachers not exceeding one-tenth of its number as so constituted:

Provided that so long as one-fourth of the total members, including teachers co-opted under this sub-clause, are not Muhammadans, any teacher so co-opted shall be a Muhammadan.

(*4*) Members other than *ex-officio* members shall hold office for a period of three years.

Provided that Readers, Lecturers or teachers co-opted as such shall hold office so long only within the said period as they continue to be Readers, Lecturers or teachers, respectively.

6. The

Powers of the Academic Council

6 The Academic Council shall have the following powers, namely —

(*a*) to make proposals to the Executive Council for the institution of Professorships, Readerships, Lectureships or other teaching posts, and in regard to the duties and emoluments thereof;

(*b*) to make Regulations for and to award in accordance with such Regulations Fellowships, Scholarships, Exhibitions, bursaries, medals and other rewards,

(*c*) to appoint examiners after report from the Faculties concerned,

(*d*) to control and manage the University Library or Libraries, to frame regulations regarding their use, and to appoint a Library Committee under the general control of the Academic Council to manage the affairs of the Library,

(*e*) to formulate, modify or revise, subject to the control of the Executive Council, schemes for the constitution or re-constitution of Faculties and for the assignment of subjects to such Faculties,

(*f*) to assign teachers to the Faculties; and

(*g*) to promote research within the University, and to require reports on such research from the persons employed thereon

The faculties

7. (*1*) Each Faculty shall consist of—

(*i*) the Professors of the Departments comprised in the Faculty;

(*ii*) such teachers of subjects assigned to the Faculty as may be appointed to the Faculty by the Academic Council;

(*iii*) such teachers of subjects not assigned to the Faculty but having, in the opinion of the Academic Council, an important bearing on those subjects as may be appointed to the Faculty by the Academic Council; and

(*iv*) such

(*iv*) such other persons as may be appointed to the Faculty by the Academic Council on account of their possessing expert knowledge in a subject or subjects assigned to the Faculty.

(*2*) The total number of members of each Faculty shall not exceed in the case of the Faculties of Arts and Science thirty, and in the case of any other Faculty fifteen, except with the sanction of the Chancellor given on the request of the Academic Council

8 Subject to the provisions of the Act, each Faculty shall have the following powers, namely — Powers of the Faculties

(*a*) to constitute Committees of Courses and Studies,

(*b*) to recommend to the Academic Council, after consulting the Committees of Courses and Studies, the names of examiners in subjects assigned to the Faculty.

9. There shall be a Board of Co-ordination composed of the Vice-Chancellor, who shall be Chairman thereof, the Deans of the Faculties and the Registrar, to organise the teaching of the University, and in particular to co-ordinate the work and time-tables of the various Faculties, and to assign lecture-rooms, laboratories, and other rooms to the Faculties. Board of Co-ordination.

10. (*1*) The Dean of each Faculty shall be the executive officer of the Faculty, and shall preside at its meetings He shall hold office for three years. The Dean

(*2*) He shall issue the lecture lists of the University in the Departments comprised in the Faculty, and shall be responsible for the conduct of teaching therein.

(*3*) He shall have the right to be present and to speak at any meeting of any committee of the Faculty, but not to vote unless he is a member of the committee.

11. (*1*) The appointment of the Warden and the superintending staff of a Hostel shall be subject to the approval of the Executive Council Hostels

(*2*) Every

(2) Every student not residing in a Hall or Hostel shall be attached to a Hall or Hostel for tutorial help and disciplinary supervision, and for such other purposes as may be prescribed by the Ordinances

Withdrawal of degrees and diplomas

12 The Court may, on the recommendation of the Executive Council, by a resolution passed with the concurrence of not less than two-thirds of the members voting, withdraw any degree or diploma conferred by the University

Honorary degrees

13. (1) All proposals for the conferment of honorary degrees shall be made by the Academic Council to the Executive Council, and shall require the assent of the Court before submission to the Chancellor for confirmation

Provided that in cases of urgency the Chancellor may act on the recommendation of the Executive Council only

(2) Any honorary degree conferred by the University may, with the previous approval of the Court and the sanction of the Chancellor, be withdrawn by the Executive Council

Registered graduates

14 The following persons shall, on payment of such fees as may be prescribed by the Statutes, be entitled to have their names enrolled in the register of registered graduates and to enjoy all the privileges of registration, namely —

(a) for a period of five years from the commencement of the Act all graduates of three years' standing or upwards of any other Indian University incorporated by any law for the time being in force, who are not for the time being registered as graduates in any such other University, and who—

(i) have studied at the Dacca College, the Jagannath College at Dacca or the Dacca Law College for at least two years, or at the Dacca Training College for at least one year, and ordinarily reside in the Dacca or Chittagong

Chittagong Divisions of the Bengal Presidency, or

(*ii*) have graduated at any time from any of the said Colleges,

and apply to the University to be granted *ad eundem* degrees of the University, and

(*b*) for a period of seven years from the commencement of the Act all Muhammadan graduates of three years' standing or upwards of any Indian University incorporated by any law for the time being in force, who are not for the time being registered as graduates of any such other University, and who ordinarily reside in the Dacca or Chittagong Divisions of the Bengal Presidency, and

(*c*) all graduates of the University of three years' standing and upwards

15 There shall be the following officers, namely — Officers

(*i*) a Proctor for the maintenance of the general discipline of the University, to whom the Vice-Chancellor may delegate such of his disciplinary powers as he may think fit, and

(*ii*) a Librarian for the University Library

16. (*1*) Subject to the provisions of clause (*c*) of sub-section (*1*) of section 50 and of clause 17, appointments to Professorships and Readerships shall be made on the nomination of committees of selection constituted for the purposes as follows, namely — Committees of selection in India

(*i*) the Vice-Chancellor,

(*ii*) one member of the Executive Council selected by the Executive Council,

(*iii*) two members of the Academic Council selected by the Academic Council on the ground of their special knowledge of, or interest in, the subject or subjects with which the Professor or Reader, as the case may be, will be concerned,

(*iv*) an

(*iv*) an officer of the Local Government appointed by the Local Government, and

(*v*) three persons (two of whom shall not be officers or teachers) appointed by the Chancellor

Provided that, should a committee so constituted not include both a Hindu and a Muhammadan member, the Chancellor shall nominate an additional Hindu or Muhammadan member, or both, as the case may be

(*2*) Committees of selection appointed under sub-clause (*1*) shall report to the Executive Council which shall, if it accepts the nomination of the committee, make the appointment to the post accordingly If the Executive Council does not accept the nomination of the committee, it shall refer the case to the Chancellor, who shall make such appointment as he thinks fit

Committees of selection in the United Kingdom

17 (*1*) Of the Professorships not less than one-third shall be filled in one or other of the following manners, namely —

(*a*) on the nomination of committees of selection constituted for the purpose in the United Kingdom, or

(*b*) if, in the opinion of the Chancellor, exceptional circumstances justify such a course, by appointment by the Secretary of State for India

(*2*) The committees of selection referred to in sub-clause (*1*) (*a*) shall be constituted as follows, namely.—

(*i*) two members resident in the United Kingdom appointed by the Academic Council,

(*ii*) two members resident in the United Kingdom appointed by the Secretary of State for India, one of whom shall be an Indian Member of the Council of India as constituted under the Government of India Act; and 5 & 6 Geo 5, Ch 61.

(*iii*) one

(*iii*) one member appointed by the Chancellor

(*3*) The Executive Council shall consider the report of a committee of selection constituted under sub-clause (*2*), and shall, if it accepts the nomination of the committee, make the appointment to the post accordingly If the Executive Council does not accept the nomination of the committee, it shall refer the case to the Chancellor, who may either appoint the person nominated by the committee, or refer the case to the Secretary of State for India, and, in such case, the Secretary of State for India shall make such appointment as he thinks fit.

(*4*) Nothing in this clause shall apply to appointments made by the Chancellor under clause (*c*) of sub-section (*1*) of section 50

Appointment of Lecturers and other teachers

18 Appointments to teaching posts other than Professorships and Readerships shall, subject to the provisions of the Act and the Statutes, be made in the manner prescribed by the Ordinances

CALCUTTA
SUPERINTENDENT GOVERNMENT PRINTING, INDIA
8, HASTINGS STREET

ACT No. XIX OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 23rd March, 1920)

An Act to amend the law relating to super-tax

WHEREAS it is expedient to amend the law relating to super-tax, It is hereby enacted as follows —

Short title, extent and commencement.

1 (*1*) This Act may be called the Super-tax Act, 1920,

VII of 1918 (*2*) It shall have the same extent as the Indian Income-tax Act, 1918, and

(*3*) It shall come into force on the first day of April, 1920

Definitions.

2 (*1*) In this Act, unless there is anything repugnant in the subject or context,—

VII of 1918 "principal Act" means the Indian Income-tax Act, 1918;

"super-tax" means a tax imposed by this Act, and

"unregistered firm" means a firm which is not a registered firm

(*2*) Save as otherwise provided in this Act, words and expressions used herein and defined in the principal Act shall be deemed to have the meanings respectively attributed to them by that Act

Taxable income

3. For the purposes of this Act taxable income shall be the taxable income computed in the manner laid down in Chapter I of the principal Act, subject to the following modifications, namely, that the proviso to section 7, sub-section (*2*) of section 12 and sub-section (*2*) of section 14 of that Act, shall have no application, and that sub-section (*1*) of section 12 shall have application only in the cases of unregistered firms and Hindu undivided families

4 In

[*Price one anna and nine pies*]

Incomes chargeable to super-tax and rate thereof.

4 In addition to the tax imposed by section 14 of the principal Act, there shall, subject to the following provisions of this Act, be charged and recovered and paid in the year beginning on the first day of April, 1920, and in each subsequent year—

(*a*) by every individual subject to this Act, by every unregistered firm and by every Hindu undivided family, a super-tax on his or its taxable income at the rate specified in the Schedule, and

(*b*) by every company, upon the amount by which its taxable income exceeds fifty thousand rupees, a super-tax at the rate of one anna in the rupee.

Method of assessment

5 The Collector shall assess the sum payable after considering the returns, if any, made under sections 16, 17 and 28 of the principal Act, and the result of any inquiry made by him under section 18 of that Act In the cases mentioned in sub-section (*4*) of that section the Collector shall make the assessment to the best of his judgment.

Application of Act VII of 1918.

6. Sections 19 to 23, 25 to 27, Chapters IV and V, sections 42 and 45 to 52 of the principal Act shall, so far as may be, apply in the case of super-tax as if that tax and also, in the case of section 25, as if any tax due under the Super-tax Act, 1917, were income-tax chargeable under the principal Act VIII of

Provided that, in applying the said provisions, the word "prescribed" shall be deemed to mean prescribed by rules made under this Act or by rules made under the principal Act and applied with or without modification under the provisions of this Act.

Rules

7. (*1*) The Governor General in Council may make rules for carrying out the purposes of this Act, and may, subject to such restrictions and conditions as he may impose, delegate to a Local Government the power to make such rules so far as regards the territories subject to that Government.

(*2*) Any rules made under section 43 of the principal Act may be applied by notification in the Gazette of India or the local official Gazette, as the case may be, to the purposes of this Act by the authority

rity which made the same, with such modifications specified in the notification as may be necessary to facilitate their application to the said purposes.

(3) Rules made or applied under this section shall be published in the Gazette of India or the local official Gazette, as the case may be, and shall thereupon have effect as if enacted in this Act.

Repeal of Act VIII of 1917

8. The Super-tax Act, 1917, is hereby repealed: VIII of 1917.

Provided that such repeal shall not affect the liability of any person to pay any sum due from him under the said Act

SCHEDULE

(*See section 4*)

(1) Where the taxable income does not exceed one lakh of rupees—	
(*a*) in the case of a Hindu undivided family—	
(*i*) in respect of the first seventy-five thousand rupees of taxable income,	*Nil.*
(*ii*) in respect of the next twenty-five thousand rupees of taxable income,	One anna in the rupee
(*b*) in all other cases—	
(*i*) in respect of the first fifty thousand rupees of taxable income,	*Nil*
(*ii*) in respect of the next fifty thousand rupees of taxable income	One anna in the rupee
(2) In respect of the first fifty thousand rupees of taxable income over one lakh of rupees	One and a half annas in the rupee,
(3) In respect of the next fifty thousand rupees of taxable income	Two annas in the rupee,
(4) In respect of the next fifty thousand rupees of taxable income	Two and a half annas in the rupee,
(5) In respect of all taxable income over two and a half lakhs of rupees	Three annas in the rupee.

CALCUTTA
SUPERINTENDENT GOVERNMENT PRINTING, INDIA
8, HASTINGS STREET

ACT No. XX OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 23rd March, 1920)

An Act to consolidate and amend the law relating to the suspension of sentences passed by Courts-martial under the Indian Army Act, 1911.

WHEREAS it is expedient to consolidate and amend the law relating to the suspension of sentences of imprisonment or transportation passed by Courts-martial on persons subject to the Indian Army Act, 1911, It is hereby enacted as follows:— VIII of 1911

Short title and construction

1. This Act may be called the Indian Army (Suspension of Sentences) Act, 1920, and shall be construed as one with the principal Act.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "committed" means committed to prison or to confinement in military custody,

(b) "competent military authority" means a superior military authority, or any general or other officer not below the rank of field officer duly authorised by a superior military authority;

(c) "imprisonment" includes confinement in military custody;

(d) "principal Act" means the Indian Army Act, 1911; VIII of 1911

(e) "sentence" means a sentence of transportation or imprisonment, whether originally

[Price one anna and nine pies]

ally passed on a person subject to the principal Act, or passed by way of reduction or commutation, and "sentenced" has the corresponding meaning; and

(*f*) "superior military authority" means the Commander-in-Chief in India or any officer empowered under the principal Act to convene general Courts-martial or summary general Courts-martial

Suspension of sentences.

3 (*1*) Where a person subject to the principal Act is sentenced, the confirming officer when confirming the sentence, or, in the case of a sentence which does not require confirmation, the officer holding the trial or the President of the Court-martial when passing sentence may, notwithstanding anything in the principal Act, direct that such person be not committed until the orders of a superior military authority have been obtained.

(*2*) A superior military authority may, in the case of any such offender so sentenced,—

(*a*) direct that, until his orders have been obtained, such offender shall not be committed, and

(*b*) suspend the sentence whether or not the offender has already been committed

(*3*) Where, in accordance with any order passed under sub-section (*2*), a sentence is suspended, the offender shall, whether he has been committed or not, forthwith be released

Calculation of periods of sentence under suspension.

4 Any period during which a sentence is under suspension shall be reckoned as part of the term of such sentence

Power to set aside suspension or order remission.

5. A superior military authority may, at any time whilst a sentence is suspended under this Act, order—

(*a*) that the offender be committed to undergo the unexpired portion of the sentence, or

(*b*) that the sentence be remitted.

6. Where

6. Where a sentence has been suspended under this Act, the case may at any time, and shall at intervals of not more than four months, be re-considered by a competent military authority, and if, on any such re-consideration, it appears to such authority that the conduct of the offender since his conviction has been such as to justify a remission of the sentence, he shall, if he is not also a superior military authority, refer the case to a superior military authority

Periodical review of suspended sentences

7 Where an offender, while a sentence on him is suspended under this Act, is sentenced for any other offence, then—

Procedure on further sentence of offender whose sentence is suspended.

(*a*) if the further sentence is also suspended under this Act, the two sentences shall run concurrently,

(*b*) if the further sentence is for a period of three months or more and is not suspended under this Act, the offender shall also be committed on the unexpired portion of the previous sentence, but both sentences shall run concurrently; and

(*c*) if the further sentence is for a period of three months or less and is not suspended under this Act, the offender shall be committed on that sentence only, and the previous sentence shall (subject to any order which may be passed under section 5 or section 6) continue to be suspended.

8 The powers conferred by this Act shall be in addition to, and not in derogation of, any powers as to the mitigation, remission or commutation of sentences conferred by the principal Act, and a superior military authority shall, as regards persons subject to that Act, be an authority having power to mitigate, remit or commute sentences under section 112 of that Act.

Saving of section 112, Act VIII of 1911

9 Where in addition to any other sentence the punishment of dismissal has been awarded by a Court-martial, and such other sentence is suspended under this Act, then, notwithstanding anything contained

Provision as to dismissal

contained in the principal Act or in any rules made thereunder, such dismissal shall not take effect until so ordered by a superior military authority

Provided that, if a sentence is remitted under this Act, the punishment of dismissal shall also be remitted.

Repeal of Act IV of 1917

10 The Indian Army (Suspension of Sentences) Act, 1917, and the Indian Army (Suspension of Sentences) Amendment Act, 1918, are hereby repealed, and all sentences which are suspended thereunder at the commencement of this Act shall be deemed to have been suspended under this Act, and the provisions of this Act shall apply accordingly: IV of 1917. XVIII of 1918

Provided that all such sentences shall, on the expiry of six months from the commencement of this Act, if still under suspension, be deemed to be remitted.

CALCUTTA, PRINTED BY SUPDT GOVT PRINTING, INDIA, 8, HASTINGS STREET

ACT No. XXI OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 23rd March, 1920)

An Act to consolidate and amend the enactments amending temporarily the Indian Paper Currency Act, 1910.

WHEREAS it is expedient to consolidate and amend the enactments amending temporarily the Indian Paper Currency Act, 1910, It is hereby enacted as follows.—

II of 1910

1. (*1*) This Act may be called the Indian Paper Currency (Temporary Amendment) Act, 1920. Short title and duration.

(*2*) It shall be in force up to the first day of October, 1920.

2 Section 19 of the Indian Paper Currency Act, 1910 (hereinafter referred to as the said Act), shall be construed as if after the words "the Governor General in Council" in that section the words "including any gold coin or bullion, held on behalf of the Governor General in Council by or under the control of the Government of any part of His Majesty's dominions for coinage or such other temporary purpose" were inserted Amendment of section 19, Act II of 1910.

II of 1910.

3 Section 21 of the said Act shall be construed as if after the words "the Secretary of State for India in Council" where they last occur in that section, the words "or to the Government of any part of His Majesty's dominions or from any such Government to the Governor General in Council" were inserted. Amendment of section 21, Act II of 1910

4. Section 22 of the said Act shall be construed as if for the words "one hundred and forty millions" in Amendment of section 22, Act II of 1910.

[*Price one anna and nine pies*]

in that section, the words "twelve hundred millions" were substituted and as if the proviso to that section were omitted

Power to direct that gold and silver, held in the United States of America or in transmission therefrom, may be deemed to be part of the paper currency reserve.

5. Notwithstanding anything contained in the said Act, the Governor General in Council may, by order in writing, direct—

(*a*) that gold or silver coin or gold or silver bullion, held in the United States of America on behalf of the Secretary of State for India in Council, or the Governor General in Council, shall be deemed to be part of the reserve referred to in section 19 of the said Act; or

(*b*) that gold or silver coin or gold or silver bullion, in course of transmission from the United States of America, which is at the commencement of such transmission or at any period thereafter held on behalf of the Secretary of State for India in Council or the Governor General in Council for transmission to India shall, during the period it is so held, be deemed to be a part of the reserve referred to in section 19 of the said Act.

Power to include securities created by Government of India in reserve provided for by the said Act.

6. Notwithstanding anything to the contrary in the said Act, any securities created by the Government of India and issued to the Head Commissioner of Paper Currency shall, for the purposes of the said Act, be deemed to be securities purchased by the Governor General in Council, and the market-price, on the day such securities are issued to the Head Commissioner of Paper Currency, of similar securities shall be deemed to be the price at which the securities so created were purchased; and all references to securities so purchased, wherever occurring in the said Act, shall be deemed also to refer to securities so created, and all references to sums expended in such purchases or to prices paid therefor shall be deemed, in the case of securities so created, to refer to such market-price, and the said Act shall be construed accordingly.

7. The

7. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof. Repeals

THE SCHEDULE

(*See section 7*)

Year	No	Short title	Extent of repeal
1917	XI	The Indian Paper Currency (Temporary Amendment) Act, 1917	The whole
"	XIX	The Indian Paper Currency (Amendment) Act, 1917	(1) In the title and preamble the words and figures "and the Indian Paper Currency (Temporary Amendment) Act, 1917," and (2) Sub section (2) of section 1, and sections 2, 6, 7 and 9
1918	XIII	The Indian Paper Currency Act, 1918	The whole.
1919	XXVI	The Indian Paper Currency (Further Amendment) Act, 1919	The whole.

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ACT No. XXII of 1920.

[Passed by the Indian Legislative Council.]

(Received the assent of the Governor General on the 31st August, 1920.)

An Act further to amend the Lepers Act, 1898.

III of 1898

WHEREAS it is expedient further to amend the Lepers Act, 1898, It is hereby enacted as follows —

Short title.

1. This Act may be called the Lepers (Amendment) Act, 1920.

Amendment of section 1, Act III of 1898.

III of 1898

2. In sub-section (*4*) of section 1 of the Lepers Act, 1898 (hereinafter referred to as the said Act), the words "and may in like manner amend or cancel any such notification" shall be omitted.

Amendment of section 2, Act III of 1898.

3. In clause (*1*) of section 2 of the said Act, the words "in whom the process of ulceration has commenced" shall be omitted.

Substitution of new section for section 3, Act III of 1898.

4. For section 3 of the said Act, the following section shall be substituted, namely —

Appointment of leper asylums by Local Government.

"3. The Local Government may, by notification in the official Gazette, appoint any place to be a leper asylum if it is satisfied that adequate arrangements have been made or will be made for the accommodation and medical treatment of lepers therein, and may, by a like notification, specify the local areas from which lepers may be sent to such asylum."

Amendment of section 6, Act III of 1898.

5. In section 6 of the said Act—

(*a*) in sub-section (*1*) after the words "any police officer" the words "or any other person specially empowered by the Local Government by order in writing in this behalf" shall be inserted, and

(*b*) in

[*Price One Anna and Three Pies.*]

(*b*) in sub-section (*2*) after the words "such police officer" the words "or other person" shall be inserted

Amendment of section 12, Act III of 1898

6. In section 12 of the said Act, for the words "by any police officer without a warrant," the words "without a warrant by any police officer or by any other person especially empowered by the Local Government by order in writing in this behalf" shall be substituted

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ACT No. XXIII OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 31st August, 1920)

An Act to provide for the better discipline of Police officers enrolled in Military Police or Rifle Battalions.

WHEREAS it is expedient to provide for the better discipline of Police officers enrolled under local Acts in Military Police or Rifle Battalions, It is hereby enacted as follows —

1. This Act may be called the Indian Rifles Act, 1920 Short title.

2. All Police officers enrolled under the provisions of any local Military Police or Rifles Act shall be subject to the discipline and penalties prescribed by such Act, wherever serving in India. Police officers subject to discipline and penalties prescribed in local Acts wherever serving

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ACT No. XXIV OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 31st August, 1920)

An Act further to amend the Code of Civil Procedure, 1908

V of 1908 WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908, It is hereby enacted as follows —

Short title.

1. This Act may be called the Code of Civil Procedure (Amendment) Act, 1920

Amendment of rule 5 of Order IX in Sch I, Act V of 1908

V of 1908 **2.** For sub-rule (*1*) of rule 5 of Order IX in the First Schedule to the Code of Civil Procedure, 1908, the following shall be substituted, namely —

"(1) Where, after a summons has been issued to the defendant, or to one of several defendants, and returned unserved, the plaintiff fails, for a period of three months from the date of the return made to the Court by the officer ordinarily certifying to the Court returns made by the serving officers, to apply for the issue of a fresh summons the Court shall make an order that the suit be dismissed as against such defendant, unless the plaintiff has within the said period satisfied the Court that—

(*a*) he has failed after using his best endeavours to discover the residence of the defendant who has not been served, or

(*b*) such defendant is avoiding service of process, or

(*c*) there is any other sufficient cause for extending the time,

in which case the Court may extend the time for making such application for such period as it thinks fit"

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ACT No. XXV OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 31st August, 1920)

An Act further to amend the Negotiable Instruments Act, 1881.

XXVI of 1881

WHEREAS it is expedient further to amend the Negotiable Instruments Act, 1881, It is hereby enacted as follows —

Short title

1. This Act may be called the Negotiable Instruments (Amendment) Act, 1920

Insertion of new section 75A in Act XXVI of 1881

XXVI of 1881

2. After section 75 of the Negotiable Instruments Act, 1881, the following section shall be inserted, namely —

Excuse for delay in presentment for payment

"75A Delay in presentment for payment is excused if the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence When the cause of delay ceases to operate, presentment must be made within a reasonable time"

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ACT No. XXVI OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 2nd September, 1920)

An Act further to amend the Indian Limitation Act, 1908, and the Code of Civil Procedure, 1908

IX of 1908
V of 1908

WHEREAS it is expedient further to amend the Indian Limitation Act, 1908, and the Code of Civil Procedure, 1908, It is hereby enacted as follows —

Short title and commencement

1. (*1*) This Act may be called the Indian Limitation and Code of Civil Procedure (Amendment) Act, 1920

(*2*) It shall come into force on the first day of January, 1921

Amendment of Articles 176 to 179 of First Schedule to Act IX, 1908

IX of 1908

2. In the third division of the First Schedule to the Indian Limitation Act, 1908, in Articles 176, 178 and 179 for the word "Ditto" in the second column the words "ninety days," "six months" and "ninety days," respectively, shall be substituted

Amendment of rule 7 (1) of Order XLV of First Schedule to Act V, 1908

V of 1908

3. In sub-rule (*1*) of rule 7 of Order XLV of the First Schedule to the Code of Civil Procedure, 1908 (hereinafter referred to as the said Code), the following amendments shall be made, namely —

(*i*) for the words "six months" the following words shall be substituted, namely —

"ninety days or such further period, not exceeding sixty days, as the Court may upon cause shown allow,"

(*ii*) after the word "security" the words "in cash or in Government securities" shall be inserted,

(*iii*) at the end of the sub-rule the following proviso shall be added, namely —

"Provided that the Court at the time of granting the certificate may, after hearing any opposite

party who appears, order on the ground of special hardship that some other form of security may be furnished

Provided further, that no adjournment shall be granted to an opposite party to contest the nature of such security"

Insertion of new rule 9A in Order XLV of First Schedule to Act V, 1908

Power to dispense with notices in case of deceased parties

4. After rule 9 of Order XLV of the First Schedule to the said Code, the following rule shall be inserted namely —

"9A Nothing in these rules requiring any notice to be served on or given to an opposite party or respondent shall be deemed to require any notice to be served on or given to the legal representative of any deceased opposite party or deceased respondent in a case, where such opposite party or respondent did not appear either at the hearing in the Court whose decree is complained of or at any proceedings subsequent to the decree of that Court

Provided that notices under sub-rule (*2*) of rule 3 and under rule 8 shall be given by affixing the same in some conspicuous place in the Court house of the Judge of the District in which the suit was originally brought, and by publication in such newspapers as the Court may direct"

Addition to rule 15 of Order XLV of Act V, 1908

5. To rule 15 of Order XLV of the First Schedule to the said Code, the following sub-rule shall be added, namely —

"(*4*) Unless His Majesty in Council is pleased otherwise to direct, no order of His Majesty in Council shall be inoperative on the ground that no notice has been served on or given to the legal representative of any deceased opposite party or deceased respondent in a case, where such opposite party or respondent did not appear either at the hearing in the Court whose decree was complained of or at any proceedings subsequent to the decree of that Court, but such order shall have the same force and effect as if it had been made before the death took place"

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ACT No. XXVII OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 2nd September, 1920)

An Act, further to amend the Indian Motor Vehicles Act, 1914.

VIII of 1914 WHEREAS it is expedient further to amend the Indian Motor Vehicles Act, 1914, It is hereby enacted as follows —

Short title

1. This Act may be called the Indian Motor Vehicles (Amendment) Act, 1920

Amendment of s 11, Act VIII of 1914.

VIII of 1914 **2.** In sub-section (*2*) of section 11 of the Indian Motor Vehicles Act, 1914 (hereinafter referred to as the said Act), after clause (*d*), the following clause shall be inserted, namely —

> "(*dd*) prescribing the authority by which, and the conditions and limitations subject to which, licenses may be suspended or cancelled,"

Amendment of s 18, Act VIII of 1914.

3. After sub-section (*1*) of section 18 of the said Act the following sub-section shall be inserted, namely —

"(*1A*) The prescribed authority may, subject to such conditions and limitations as may be prescribed, cancel or suspend any license granted under this Act"

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ACT No. XXVIII OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 2nd September, 1920)

An Act to extend the operation of the Indian Patents and Designs (Temporary Rules) Act, 1915.

WHEREAS it is expedient to extend the operation of the Indian Patents and Designs (Temporary Rules) Act, 1915, It is hereby enacted as follows —

VI of 1915

1. This Act may be called the Indian Patents and Designs (Temporary Rules) Amendment Act, 1920 Short title.

2. In sub-section (*3*) of section 1 of the Indian Patents and Designs (Temporary Rules) Act, 1915, for the words "six months" the words "one year and six months" shall be substituted Amendment of section 1, Act VI of 1915

VI of 1915

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ACT No. XXIX OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

(Received the assent of the Governor General on the 2nd September, 1920.)

An Act further to amend the Indian Patents and Designs Act, 1911

II of 1911

WHEREAS it is expedient further to amend the Indian Patents and Designs Act, 1911, It is hereby enacted as follows —

Short title

1. This Act may be called the Indian Patents and Designs (Amendment) Act, 1920

Insertion of new section 78 A in Act II of 1911

II of 1911

2. After section 78 of the Indian Patents and Designs Act, 1911, the following heading and section shall be inserted, namely —

Reciprocal arrangements with the United Kingdom and other parts of His Majesty's dominions

Reciprocal arrangements with the United Kingdom and other parts of His Majesty's dominions

7 Edw VII c 29

"78A (1) If His Majesty is pleased by Order in Council to apply such of the provisions of section 91 of the Patents and Designs Act, 1907, as relate to inventions or designs, to British India, then any person who has applied for protection for any invention or design in the United Kingdom, shall be entitled to a patent for his invention or to registration of his design under this Act, in priority to other applicants, and the patent or registration shall have the same date as the date of the application in the United Kingdom.

Provided that—

(a) the application is made in the case of a patent within twelve months, and, in the case of a design, within four months from the application for protection in the United Kingdom and

(b) nothing

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(*b*) nothing in this section shall entitle the patentee or the proprietor of the design to recover damages for infringements happening prior to the actual date on which, in the case of a patent, his application is accepted, or, in the case of a design, the design is registered, in British India

(*2*) The patent granted for an invention or the registration of a design shall not be invalidated—

(*a*) in the case of a patent, by reason only of the publication of a description of, or use of, the invention, or

(*b*) in the case of a design, by reason only of the exhibition or use of, or the publication of a description or representation of, the design,

in British India during the period specified in this section as that within which the application may be made

(*3*) The application for the grant of a patent or the registration of a design under this section must be made in the same manner as an ordinary application under this Act

Provided that, in the case of a patent, if the application is not accepted within twelve months from the date of the application for protection in the United Kingdom, the specification and the drawings (if any) supplied therewith shall be open to public inspection at the expiration of that period

(*4*) Where it is made to appear to the Governor General in Council that the legislature of any other part of His Majesty's dominions has made satisfactory provision for the protection of inventions or designs, patented or registered in British India, the Governor General in Council may, by notification in the Gazette of India, direct that the provisions of this section, with such variations or additions, if any, as may be set out in such notification, shall apply for the protection of inventions or designs patented or registered in that part of His Majesty's dominions"

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ACT No. XXX OF 1920

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 2nd September, 1920)

An Act to prohibit the possession and import of rouble notes

WHEREAS it is expedient to prohibit the possession and import of rouble notes, It is hereby enacted as follows —

Short title and duration

1. (*1*) This Act may be called the Rouble Note Act, 1920

(*2*) It shall remain in force for one year

Provided that if the Governor General in Council, by notification in the Gazette of India, so directs it shall continue in force for such further period not exceeding one year as may be specified in such notification

Definition

2. In this Act, "rouble note" means any note being or purporting to be in the nature of a currency note issued by or on behalf of any form of government in the territories which, on the fourth day of August, 1914, constituted the Russian Empire, or purporting to be so issued, and expressed to be payable in roubles

Prohibition of possession and import of rouble notes

3. No person shall—

(*a*) save as otherwise provided in this Act, have in his possession any rouble note, or

(*b*) bring into British India, whether by land, sea or air, any such note

Withdrawal of rouble notes from a currency office or treasury

4. Where under the provisions of any law any person has deposited a rouble note in a Government currency office or treasury, he shall not be entitled to withdraw the same therefrom, except subject to the conditions

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conditions of a license issued by an officer of Government authorised by the Governor General in Council in this behalf

Penalties

5. Any person who—

(*a*) contravenes any of the provisions of section 3, or

(*b*) fails to comply with the conditions of a license for the withdrawal of a rouble note from a Government currency office or treasury issued under section 4,

shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both, and any rouble note in respect of which an offence has been committed under this section shall be confiscated and shall be disposed of in such manner as the Governor General in Council may direct

Repeal of Ordinance II of 1920

6. The Rouble Note Ordinance, 1920, is hereby repealed II of 1920

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ACT No. XXXI OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 2nd September, 1920)

An Act to amend certain enactments and to repeal certain other enactments

WHEREAS it is expedient that certain amendments should be made in the enactments specified in the First Schedule,

And whereas it is also expedient that certain enactments specified in the Second Schedule which are spent or have otherwise become unnecessary, or have ceased to be in force otherwise than by express specific repeal, should be expressly and specifically repealed,

It is hereby enacted as follows —

1. This Act may be called the Repealing and Amending Act, 1920 Short title.

2. The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof Amendment of certain enactments

3. The enactments specified in the Second Schedule are hereby repealed to the extent mentioned in the fourth column thereof Repeal of certain enactments.

4. The repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to, Savings

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing,

nor

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nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed,

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force

THE FIRST SCHEDULE

AMENDMENTS

(*See section 2*)

Year	Number	Short title	Amendments
1882	II	The Indian Trusts Act, 1882	In clause (*a*) of section 20 after the word "securities" the words "of any Local Government or" shall be inserted
1897	X	The General Clauses Act, 1897	After section 30, the following section shall be inserted, namely — "31 In any enactment made by any authority in British India before the date on which section 3 of the Government of India Act, 1919, comes into operation, and in any rule, order, notification, scheme, bye law or other document made under or with reference to any such enactment, any reference by whatever form of words to an authority authorized by law, at the time the enactment was made, to administer executive Government in any part of British India shall, where a corresponding new authority has been constituted by the Government of India Act, 1919, be construed for all purposes, after the above mentioned date, as a reference to such new authority" Construction of references to Local Government of a Province

THE FIRST SCHEDULE—*contd*

AMENDMENTS

(*See section 2*)

Year	Number	Short title	Amendments
1914	X	The Repealing and Amending Act, 1914	In the First Schedule, for the short title "The Indian Air ships Act, 1911," in the third column against Act XVII of 1911 the following shall be substituted, namely —"The Indian Aircraft Act, 1911"
1914	XVII	The Second Repealing and Amending Act, 1914	In the Second Schedule, for the short title "The Indian Air ships Act, 1911" in the third column against Act XVII of 1911 the following shall be substituted, namely —"The Indian Air craft Act, 1911"
1920	XVIII	The Dacca University Act, 1920	In section 45, for the words from "Every such arbitration" to the end of the section the following shall be substituted, namely —"Every such request shall be deemed to be a submission to arbitration upon the terms of this section, within the meaning of the Indian Arbitration Act, 1899, and all the provisions of that Act, with the exception of section 2 thereof, shall apply accordingly" In sub section (1) of section 46, for the words "a pension or provident fund" the following shall be substituted, namely —"such pension and provident funds as it may deem fit"
1920	XIX	The Super tax Act, 1920	In clause (1) of the Schedule, for the words "Where the taxable income does not exceed one lakh of rupees" the words "In respect of the first lakh of rupees of taxable income" shall be substituted, and shall be deemed to have been substituted with effect from the commencement of the Super tax Act, 1920

THE SECOND SCHEDULE

THE SECOND SCHEDULE

REPEALS

(*See section 3*)

Year	No	Short title	Extent of repeal
1891	XII	The Amending Act, 1891	So much of Part I of the Second Schedule as relates to section 24 of Act III of 1864
			So much of Part I of the Second Schedule as relates to section 26 of Act IX of 1874
1900	VI	The Lower Burma Courts Act, 1900	Section 16 and so much of Part I of the First Schedule as relates to sections 19 and 21 of Act V of 1880
1911	II	The Indian Patents and Designs Act, 1911	Section 81
1914	IV	The Decentralization Act, 1914	So much of the Schedule as relates to Act III of 1879, Act IV of 1904, and Act XIII of 1908
1914	X	The Repealing and Amending Act, 1914	So much of the Second Schedule as relates to Act III of 1879

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ACT No. XXXII OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 2nd September, 1920)

An Act to amend the Post Office Cash Certificates Act, 1917.

XVIII of 1917

WHEREAS it is expedient to amend the Post Office Cash Certificates Act, 1917, It is hereby enacted as follows —

Short title.

1. This Act may be called the Post Office Cash Certificates (Amendment) Act, 1920

XVIII of 1917

Amendment of section 2 of Act XVIII of 1917

2. In sub-section (*1*) of section 2 of the Post Office Cash Certificates Act, 1917, for the words "the Post Master General for the area in which the post office of issue is situate" the words "an officer of the Post Office authorised by general or special order of the Governor General in Council in that behalf" shall be substituted

XVIII of 1917

Amendment of section 3 of Act XVIII of 1917.

3. In sub-section (*1*) of section 3 of the Post Office Cash Certificates Act, 1917, after the words "in such a Bank" the following words shall be inserted, namely —

"and as if for the words 'three thousand' in sections 4 and 8 of the said Act the words 'five thousand' were substituted"

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ACT No. XXXIII OF 1920

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 9th September, 1920)

An Act to authorise the taking of measurements and photographs of convicts and others

WHEREAS it is expedient to authorise the taking of measurements and photographs of convicts and others, It is hereby enacted as follows —

Short title and extent.

1. (*1*) This Act may be called the Identification of Prisoners Act, 1920, and

(*2*) It extends to the whole of British India, including British Baluchistan, the Sonthal Parganas and the district of Angul

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "measurements" include finger impressions and foot-print impressions,

(*b*) "police officer" means an officer in charge of a police-station, a police officer making an investigation under Chapter XIV of the Code of Criminal Procedure, 1898, or any other police officer not below the rank of sub-inspector, and

V of 1898.

(*c*) "prescribed" means prescribed by rules made under this Act

Taking of measurements, etc., of convicted persons

3. Every person who has been—

(*a*) convicted of any offence punishable with rigorous imprisonment for a term of one year or upwards, or of any offence which

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which would render him liable to enhanced punishment on a subsequent conviction, or

(*b*) ordered to give security for his good behaviour under section 118 of the Code of Criminal Procedure, 1898, V of 1898

shall, if so required, allow his measurements and photograph to be taken by a police officer in the prescribed manner

Taking of measurements, etc, of non-convicted persons

4. Any person who has been arrested in connection with an offence punishable with rigorous imprisonment for a term of one year or upwards shall, if so required by a police officer, allow his measurements to be taken in the prescribed manner

Power of Magistrate to order a person to be measured or photographed

5. If a Magistrate is satisfied that, for the purposes of any investigation or proceeding under the Code of Criminal Procedure, 1898, it is expedient to V of 1898. direct any person to allow his measurements or photograph to be taken, he may make an order to that effect, and in that case the person to whom the order relates shall be produced or shall attend at the time and place specified in the order and shall allow his measurements or photograph to be taken, as the case may be, by a police officer

Provided that no order shall be made directing any person to be photographed except by a Magistrate of the first class

Provided further, that no order shall be made under this section unless the person has at some time been arrested in connection with such investigation or proceeding

Resistance to the taking of measurements, etc.

6. (*1*) If any person who under this Act is required to allow his measurements or photograph to be taken resists or refuses to allow the taking of the same, it shall be lawful to use all means necessary to secure the taking thereof

(*2*) Resistance to or refusal to allow the taking of measurements or photographs under this Act shall be deemed to be an offence under section 186 of the Indian Penal Code XLV of 1860.

7 Where

7. Where any person who, not having been previously convicted of an offence punishable with rigorous imprisonment for a term of one year or upwards, has had his measurements taken or has been photographed in accordance with the provisions of this Act is released without trial or discharged or acquitted by any Court, all measurements and all photographs (both negatives and copies) so taken shall, unless the Court or (in a case where such person is released without trial) the District Magistrate or Sub-Divisional Officer for reasons to be recorded in writing otherwise directs, be destroyed or made over to him

Destruction of photographs and records of measurements, etc, on acquittal

8. (*1*) The Local Government may make rules for the purpose of carrying into effect the provisions of this Act

Power to make rules

(*2*) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

(*a*) restrictions on the taking of photographs of persons under section 5

(*b*) the places at which measurements and photographs may be taken,

(*c*) the nature of the measurements that may be taken,

(*d*) the method in which any class or classes of measurements shall be taken,

(*e*) the dress to be worn by a person when being photographed under section 3, and

(*f*) the preservation, safe custody, destruction and disposal of records of measurements and photographs

9. No suit or other proceeding shall lie against any person for anything done, or intended to be done, in good faith under this Act or under any rule made thereunder

Bar of suits.

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ACT No. XXXIV OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 9th September, 1920)

An Act to take power to require passports of persons entering British India

WHEREAS it is expedient to take power to require passports of persons entering British India, It is hereby enacted as follows:—

1. (*1*) This Act may be called the Indian Passport Act, 1920 — Short title and extent

(*2*) It shall extend to the whole of British India, including British Baluchistan, the Sonthal Parganas and the district of Angul

2. In this Act, unless there is anything repugnant in the subject or context— — Definitions

"entry" means entry by water, land or air,

"passport" means a passport for the time being in force issued or renewed by the prescribed authority and satisfying the conditions prescribed relating to the class of passports to which it belongs, and

"prescribed" means prescribed by rules made under this Act

3. (*1*) The Governor General in Council may make rules requiring that persons entering British India shall be in possession of passports, and for all matters ancillary or incidental to that purpose — Power to make rules

(*2*) Without prejudice to the generality of the foregoing power such rules may—

(*a*) prohibit the entry into British India or any part thereof of any person who has not in his possession a passport issued to him,

(*b*) prescribe

[*Price One Anna and three pies*]

(*b*) prescribe the authorities by whom passports must have been issued or renewed, and the conditions with which they must comply, for the purposes of this Act, and

(*c*) provide for the exemption, either absolutely or on any condition, of any person or class of persons from any provision of such rules

(*3*) Rules made under this section may provide that any contravention thereof or of any order issued under the authority of any such rule shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both.

(*4*) All rules made under this section shall be published in the Gazette of India, and shall thereupon have effect as if enacted in this Act

Power of arrest

4. (*1*) Any officer of police, not below the rank of a sub-inspector, and any officer of the Customs Department empowered by a general or special order of the Local Government in this behalf may arrest without warrant any person who has contravened or against whom a reasonable suspicion exists that he has contravened any rule or order made under section 3

(*2*) Every officer making an arrest under this section, shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case or to the officer in charge of the nearest police-station and the provisions of section 61 of the Code of Criminal Procedure, 1898, V of 1898. shall, so far as may be, apply in the case of any such arrest

Power of removal

5. The Local Government may, by general or special order, direct the removal of any person from British India who, in contravention of any rule made under section 3 prohibiting entry into British India without passport, has entered therein, and thereupon any officer of Government shall have all reasonable powers necessary to enforce such direction

CALCUTTA PRINTED BY SUPDT GOVT PRINTING, INDIA, 8, HASTINGS STREET

ACT No. XXXV OF 1920

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 9th September, 1920)

An Act to validate certain Indentures relating to property formerly held by the Basel Mission Trading Company, and to provide for the incorporation of Trustees and for other purposes

WHEREAS, by an order made by the Governor General in Council in exercise of the powers conferred by section 7 of the Enemy Trading Act 1916, and bearing date the twenty-second day of May, 1919, certain property was vested in the Custodian of Enemy Property for Madras and Coorg, and X of 1916

Whereas in pursuance of an order made by the Governor General in Council, dated the twenty-fifth day of August, 1919, the said Custodian, by an indenture, dated the twenty-sixth day of January, 1920, and referred to in the Second Schedule as Indenture A, transferred the said property to certain trustees on trusts therein declared, and

Whereas by divers mesne appointments the said property became vested upon the said trusts in the persons named in the First Schedule, and

Whereas the persons named in the First Schedule (hereinafter referred to as the said trustees) have, with the approval of the Governor General in Council, by an indenture, dated the twenty-first day of August, 1920, and referred to in the said Schedule as Indenture B, transferred the said property to the Commonwealth Trust, Limited, a corporation incorporated in England, for the purposes and upon the terms and conditions in the said indenture set out, and

Whereas doubts have arisen and may arise as to the validity of certain matters in connection with the above mentioned transfers, and

Whereas

[*Price One Anna and six pies*]

Whereas it is expedient to terminate such doubts and to constitute the said Trustees a body corporate in order that the intention of the said transfers may be fully carried out,

It is hereby enacted as follows —

Short title

1. This Act may be called the Basel Mission Trading Company Act, 1920

Incorporation of Trustees

2. (*1*) The persons named in the First Schedule and their predecessors in office shall be deemed to have been validly appointed trustees of the indenture referred to in the Second Schedule as Indenture A, and together with their successors in office, are hereby constituted a body corporate with perpetual succession and a common seal and may sue and be sued by the corporate name of the Mission Trust of Madras

(*2*) For the purposes of the appointment of the successors to the persons named in the first Schedule in their office as such trustees, the provisions of the Indian Trusts Act, 1882, shall be deemed to apply, and appointments of any trustees which are required to be made by the National Missionary Council of India shall be sufficiently made if made by writing under the hand of the Chairman of that body II of 1882

Validation of deeds, etc

3. Notwithstanding anything contained in any enactment or rule of law to the contrary, the indentures described in the Second Schedule are hereby declared to be validly made and the property transferred or purporting to be transferred therein shall be deemed to have been duly transferred by the said indentures, and all acts or things heretofore done under either of the said indentures are validated and confirmed, and every obligation imposed or purporting to be imposed on any person mentioned in either of the said indentures shall be binding in law on the person named therein, whether such person is or is not a party to such indenture

Restriction of suits against the trustees and the Common wealth Trust, Limited

4. No suit or other legal proceeding shall be brought against the said trustees or the Commonwealth Trust, Limited, by or on behalf of any creditor, shareholder or bondholder of the Basel Mission Trading Company or any other person whatsoever

for

for the payment of any sum due or alleged to be due by the said Company, unless the consent of the Governor General in Council has first been obtained

THE FIRST SCHEDULE

(See section 2)

John Anderson Thorne, Secretary to the Board of Revenue (Land Revenue), Madras

Paul Appaswami, Judge of the Court of Small Causes, Madras

Muthiah David Devadoss, Barrister-at-Law, Madras

Duncan Gordon MacNaughton Leith, Secretary, German Missions Committee of the National Missionary Council

Anthony Watson Brough of the London Mission, Erode, Madras

THE SECOND SCHEDULE

(See sections 2 and 3)

INDENTURE A

Date	Parties	Short effect
26th January, 1920 Registered at Madras, on 25th June, 1920, being Serial No 2035 of 1920 in Registration Book No 1 of the office of the Registrar of Madras, Chingleput	Daniel Chamier, Custodian of Enemy Property, Madras and Coorg (therein referred to as the Custodian) of the first part and Henry Reginald Pate Secretary to the Board of Revenue (Land Revenue) Madras, Arthur Davies the Reverend William Meston, the Hon ble Mr Muthiah David Devadoss and the Reverend Duncan Gordon MacNaughton Leith of the other part	Being a transfer by the Custodian to the Trustees on the trusts therein mentioned of the undertaking and of all property moveable or immoveable in the Madras Presidency and Coorg formerly belonging to or held in trust for, the Company or Society commonly known in India as the Basel Mission Trading Company and which became vested in the Custodian by Order of the Governor General in Council dated 22nd May 1919

INDENTURE B

Date	Parties	Short effect
21st August, 1920 Registered at Madras on 21st August 1920 being Serial No 2825 of 1920 in Registration Book No 1 of the office of the Registrar of Madras Chingleput	John Anderson Thorne, Secretary to the Board of Revenue, Madras Paul Appaswami the Hon ble Mr Muthiah David Devadoss, the Reverend Duncan Gordon MacNaughton Leith and the Reverend Anthony Watson Brough, (therein referred to as the Trustees) of the one part and the Common wealth Trust, Limited a company registered under the English Companies Acts, (therein referred to as the Company) of the other part	Being a transfer on the terms and conditions and subject to the reservations therein mentioned by the Trustees to the Company of the undertaking and property comprised in the deed dated 26th January, 1920 and referred to above as Indenture A

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ACT No. XXXVI OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 9th September, 1920)

An Act further to amend the Indian Coinage Act, 1906.

III of 1906 WHEREAS it is expedient further to amend the Indian Coinage Act, 1906, It is hereby enacted as follows —

Short title **1.** This Act may be called the Indian Coinage (Amendment) Act, 1920

III of 1906 Amendment of section 11 of Act III of 1906 **2.** In section 11 of the Indian Coinage Act, 1906, for the word "fifteen" the word "ten" shall be substituted

III of 1920 Repeal of Ordinance III of 1920. **3.** The Gold Ordinance, 1920, is hereby repealed

CALCUTTA PRINTED BY SUPDT GOVT PRINTING, INDIA, 8, HASTINGS STREET
[*Price One Anna*]

ACT No XXXVII OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL].

(Received the assent of the Governor General on the 9th September, 1920)

An Act further to amend the Indian Army Act, 1911

VIII of 1911 WHEREAS it is expedient further to amend the Indian Army Act, 1911, It is hereby enacted as follows —

Short title.

1. This Act may be called the Indian Army (Amendment) Act, 1920

Amendment of section 20 of Act VIII of 1911.

VIII of 1911 **2.** In sub-section (*2*) of section 20 of the Indian Army Act, 1911 (hereinafter referred to as the said Act),—

(1) for the words "Imprisonment in military custody may be specified as such a minor punishment" the words "Imprisonment in military custody and, in the case of persons subject to this Act on active service, any prescribed field punishment may be specified as minor punishments" shall be substituted, and

(2) in clause (*a*) after the word "imprisonment" the words "or field punishment" shall be inserted

Amendment of section 24 of Act VIII of 1911

3. In section 24 of the said Act—

(1) to sub-section (*1*) the words "He may at any time arrest and detain for trial any person subject to this Act who commits an offence and may also carry into effect any punishments to be inflicted in pursuance of the sentence of a court-martial" shall be added, and

(2) for sub-sections (*2*) and (*3*) the following sub-section shall be substituted, namely :—

"(*2*) A provost-marshal may punish with any punishment mentioned in section 22, sub-section (*1*), clause (*b*)

[*Price One Anna and six pies*]

clause (*b*) any follower who is subject to this Act under section 2, sub-section (*1*), clause (*c*) and is a menial servant and who on active service and in his view, or in the view of any of his assistants, commits any breach of good order and military discipline"

Amendment of section 41 of Act VIII of 1911

4. In section 41 of the said Act—

(1) in clause (*a*) after the word "punishment," and

(2) in clause (*b*) after the word "punishment," where it first occurs,

the words "other than whipping" shall be inserted

Substitution of new section for section 45 of Act VIII of 1911

5. For section 45 of the said Act the following section shall be substituted, namely —

Field punishment

"45 Where any person, subject to this Act and under the rank of warrant officer, on active service is guilty of any offence, it shall be lawful for a court-martial to award for that offence any such punishment, other than flogging as may be prescribed as a field punishment Field punishment shall be of the character of personal restraint or of hard labour but shall not be of a nature to cause injury to life or limb"

Amendment of sections 46 and 49 of Act VIII of 1911

6. In sections 46 and 49 of the said Act, for the words "corporal punishment" the words "field punishment" shall be substituted

Amendment of section 50 of Act VIII of 1911

7. In section 50 of the said Act—

(1) to clause (*a*) the words "or of field punishment awarded by a court-martial or such officer" shall be added, and

(2) in clause (*b*) after the word "imprisonment" the word "or field punishment" shall be inserted

Substitution of new section for section 67 of Act VIII of 1911

8. For section 67 of the said Act the following section shall be substituted, namely —

Limitation of trial.

"67 No trial by court-martial of any person subject to this Act for any offence (other than an offence of mutiny, desertion or fraudulent enrolment)

ment) shall be commenced after the expiration of three years from the date of such offence, and no such trial for an offence of desertion (other than desertion on active service) or of fraudulent enrolment shall be commenced if the person in question has, subsequently to the commission of the offence, served continuously in an exemplary manner for not less than three years with any portion of His Majesty's regular forces

Explanation—For the purposes of this section, 'mutiny' means any of the offences specified in clauses (*a*), (*b*) and (*c*) of section 27"

Amendment of section 113 of Act VIII of 1911

9. After clause (*b*) of sub-section (*2*) of section 113 of the said Act the following clause shall be inserted, namely —

"(*bb*) the specification of the punishments which may be awarded as field punishments under sections 20 and 45"

Repeal of section 111 of Act VIII of 1911

10. Section 111 of the said Act is hereby repealed

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ACT No. XXXVIII OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 14th September, 1920)

An Act to relax the control in certain respects of the Governor General in Council over Local Governments, and to transfer to such Governments certain powers now exercisable by the Governor General in Council.

WHEREAS powers of control are vested in the Governor General in Council in virtue of certain enactments and it is expedient to relax those powers, and to transfer to Local Governments powers under certain enactments now exercisable by the Governor General in Council, It is hereby enacted as follows:—

1. This Act may be called the Devolution Act, 1920 Short title

2. The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof Amendment of certain enactments

3. The enactments specified in the Second Schedule are hereby repealed to the extent mentioned in the fourth column thereof Consequential repeals.

4. Any appointment, notification, order, scheme, rule, form or bye-law made or issued, before the commencement of this Act, by an authority for the making or issuing of which a new authority is substituted by or under this Act, shall, unless inconsistent with this Act, be deemed to have been made or issued by such new authority, unless and until superseded by an appointment, notification, order, scheme, rule, form or bye-law made or issued by such new authority Saving of orders, etc., issued by previous authorities

THE FIRST SCHEDULE

[*Price Annas Nine*]

(The First Schedule)

THE FIRST SCHEDULE

(See section 2)

Part I —Acts of the Governor General in Council

Year.	No	Short title or subject	Amendments
1851	VIII	The Indian Tolls Act, 1851	In section 2 the words "not exceeding the rates mentioned in the Schedule annexed to this Act" and the Schedule, shall be omitted
1857	XXIX	Collection of Bombay Land Customs	The proviso to section 5 shall be omitted
1859	XIII	The Workman's Breach of Contract Act, 1859.	In section 5 the words "by the Governor General of India in Council or" shall be omitted.
1860	IX	The Employers and Workmen (Disputes) Act, 1860	In section 9 the words "of the Governor General of India in Council or" shall be omitted
1861	V	The Police Act, 1861	In sections 2 and 3 after the word "subject" the words "in the case of officers of the Indian Police of and above the rank of Assistant Superintendent" shall be inserted
1864	XV	The Indian Tolls Act, 1864	The words from "not exceeding" to "Schedule mentioned" in the Preamble, the whole of section 1 and the Schedule shall be omitted In section 2, for the words from "specified in the Schedule" to the end of the section, the words "authorized to be levied under the said Act VIII of 1851" shall be substituted
1865	X	The Indian Succession Act, 1865	In section 332, for the words "Governor General of India in Council" wherever they occur, the words "Local Government", for the words "in British India" the words "in the territories administered by the Local Government," for the word "he" the words "the Local Government" and for the words "Gazette of India" the words "local official Gazette" shall be substituted

(The First Schedule)

Part I —Acts of the Governor General in Council—contd

Year	No	Short title or subject	Amendments.
1865	XV	The Parsi Marriage and Divorce Act, 1865	In section 8A, for the words "Governor General in Council" the words "Local Government, by which he was appointed," for the words "the Local Government, by which he was appointed" the words "such Local Government" and for the words "the Governor General" the words "such Local Government" shall be substituted
1867	XXV	The Press and Registration of Books Act, 1867	In section 21, for the words "Governor General of India in Council" the words "Local Government" and for the words "Gazette of India" the words "local Gazette" shall be substituted
1868	V	Delegation of powers to the Commissioner in Sindh	In section 2 the words "with the consent of the Governor General of India in Council" shall be omitted
1869	I	The Oudh Estates Act, 1869	In section 9, for the words "Governor General of India in Council" the words "Local Government", for the words "the said Governor General in Council" the words "the Local Government" and for the words "Gazette of India" where they occur for the second time the words "local official Gazette" shall be substituted.
1870	VII	The Court fees Act, 1870	In section 20 the words "and sanctioned by the Governor General of India in Council" shall be omitted. In sections 22 and 23 the words "and the Governor General of India in Council" shall be omitted In sections 26 and 35, for the words "Governor General of India in Council" the words "Local Government," and for the words "Gazette of India" the words "local official Gazette" shall be substituted. In section 35 for the words "British India" the words "the territories under its administration" shall be substituted.
,	VIII	The Female Infanticide Prevention Act, 1870	In section 1 the words "with the previous sanction of the Governor General of India in Council" shall be omitted

Part I.—Acts of the Governor General in Council—contd

Year	No	Short title or subject	Amendments
1870	VIII	The Female Infant ide Prevention Act, 1370—*contd*	In section 3 the words "confirmed by the Governor General of India in Council and" and the words "in the Gazette of India and also" shall be omitted In section 7, for the words from "and the Governor of Madras" to the end of the section the following shall be substituted, namely — "and the Local Government of any other part of British India may, by notification published in the local official Gazette, extend it to any part of the territories under the administration of that Local Government"
1871	IV	The Coroners Act, 1871	In section 36 for the words "Governor General in Council" the words "Local Government" shall be substituted
1872	III	The Special Marriage Act, 1872	In section 13 A for the words "Governor General in Council" wherever they occur the words "Local Government" shall be substituted
"	XV	The Indian Christian Marriage Act, 1872	For section 86, the following section shall be substituted, namely — "86 (*1*) The powers and functions exercisable by the Governor General in Council under sections 6, 8, 9, 47, 48, 56 and 84 shall so far as regards any Native State which is within the political charge of a Local Government, be exercised by that Local Government The exercise under this section by any Local Government of powers and functions under sections 6, 8, 9 and 16 shall be by notification in the local official Gazette Powers and functions exercisable as regards Native States (*2*) The powers and functions exercisable under this Act by the Governor General in Council may be delegated to and exercised by such officers as he may from time to time appoint in this behalf"
1873	VIII	The Northern India Canal and Drainage Act, 1873	In section 75, the words "subject to the control of the Governor General in Council" and the words "subject to the like control" shall be omitted

(*The First Schedule*)

Part I —Acts of the Governor General in Council—contd

Year	No	Short title or subject	Amendments
1874	III	The Married Women's Property Act, 1874	In section 2, for the words "Governor General in Council" wherever they occur the words "Local Government" and for the words "Gazette of India" the words "local official Gazette" shall be substituted
"	IX	The European Vagrancy Act 1874	In section 1, for the words from "as the Governor General in Council" to the end of the section the following shall be substituted, namely —"as in the case of Coorg and the said Islands the Local Government by notification in the local official Gazette, and in the case of any of the said dominions, the Governor General in Council by notification in the Gazette of India, from time to time, appoints in this behalf" To the same section, the following shall be added, namely —"Provided further, that in the case of any of the said dominions which is within the political charge of a Local Government, the power conferred on the Governor General in Council by this section shall be exercised by that Local Government by notification in the local official Gazette" In sections 14 and 36, the words "subject to the control of the Governor General in Council" shall be omitted In section 26, for the words "Government of India" the words "Governor, Lieutenant-Governor or Chief Commissioner of the Province concerned" and for the words "Governor General in Council" the words "Local Government" shall be substituted. To section 35, the following shall be added, namely —"Provided that, in the case of any such place which is within the political charge of a Local Government, the power conferred on the Governor General in Council by this section shall be exercised by that Local Government by notification in the local official Gazette"
"	XIV	The Scheduled Districts Act, 1874	In sections 3, 5 and 5 A, the words "with the previous sanction of the Governor General in Council" shall be omitted, and in sections 3 and 5 the words "in the Gazette of India and also" and the words "if any" shall be omitted

(The First Schedule)

Part I —Acts of the Governor General in Council—contd

Year	No	Short title or subject	Amendments
1874	XIV	The Scheduled Districts Act, 1874—*contd*	In section 9 for the words "Governor General in Council" the words "Local Government" shall be substituted
1875	XVIII	The Indian Law Reports Act, 1875	In the preamble, for the words "the Governor General in Council proposes" the words "it is proposed" shall be substituted In section 3 for the words "the Governor General in Council" the words "any Local Government" shall be substituted
"	XX	The Central Provinces Laws Act, 1875	In section 10 the words "when sanctioned by the Governor General in Council" shall be omitted
1876	II	The Burma Land and Revenue Act, 1876	In section 1, the words "and with the previous sanction of the Governor General in Council" shall be omitted In section 57 the words "subject to any restrictions from time to time imposed by the Governor General in Council" shall be omitted In section 60 the words "to the control of the Governor General in Council and" shall be omitted
"	XVIII	The Oudh Laws Act, 1876	To section 39 the following shall be added, namely —"Provided that the previous sanction of the Governor General in Council which is required by clause (*d*) shall not be necessary in the case of any tax which, under rules made under clause (*a*) of sub section (*3*) of section 80 A of the Government of India Act, may be imposed, for the purposes of the Local Government, by any law made by the local legislature without the previous sanction of the Governor General"
1878	I	The Opium Act, 1878	In sections 5 and 8 for the words "with the previous sanction" the words "subject to the control" shall be substituted In section 13 the words "with the previous sanction of the Governor General in Council" shall be omitted
"	VII	The Indian Forest Act, 1878	In section 1 the words "with the previous sanction of the Governor General in Council" shall be omitted.

(The First Schedule)

Part I —Acts of the Governor General in Council—contd

Year	No	Short title or subject	Amendments
1878	VII	The Indian Forest Act, 1878—*contd*	In section 31 the words "and subject to the control of the Governor General in Council" shall be omitted In section 39, the words "subject to the control of the Governor General in Council" and the words "subject to the like control or sanction, respectively," shall be omitted
"	XVII	The Northern India Ferries Act, 1878	In section 4, for the first Proviso the following shall be substituted, namely — "Provided that when a river lies between two Provinces, the powers conferred by this section shall, in respect of such river, be exercised jointly by the Local Governments of those Provinces by notifications in their respective official Gazettes, and in any case where the said Local Governments fail to agree as regards the exercise of any such power they shall exercise such power subject to the control of the Governor General in Council" In clause (*d*) of section 17 the words "subject to the control of the Governor General in Council" shall be omitted
1879	VI	The Elephant's Preservation Act, 1879	In section 1, the words "with the previous sanction of the Governor General in Council" shall be omitted. In section 6 the words "subject to the control of the Governor General in Council" shall be omitted
"	XIII	The Oudh Civil Courts Act, 1879	For section 6 the following shall be substituted, namely — "6 Appointment of officers under Act The Judicial Commissioner, the District Judges, Subordinate Judges and Munsifs shall be appointed by the Local Government"
"	XIV	The Hackney carriage Act, 1879	In section 5 for the words "Governor General in Council" where they first occur the words "Local Government" shall be substituted
"	XVII	The Dekkhan Agriculturists' Relief Act 1879	In section 1, the words "with the previous sanction of the Governor General in Council" shall be omitted.

Part I —Acts of the Governor General in Council—contd

Year	No	Short title or subject	Amendments
1879	XVII	The Dekkhan Agriculturists' Relief Act, 1879—*contd*	In section 54, the words "and if the Government of India so direct shall" shall be omitted, and for the words "Government of India" where they occur for the second time in the same section, the words "Local Government" shall be substituted.
1880	I	The Religious Societies Act, 1880	In section 1 for the words "Governor General in Council" the words "Local Government" and for the words "Gazette of India" the words "local official Gazette" shall be substituted.
"	VII	The Indian Merchant Shipping Act, 1880	In sections 23 and 73 the words "with the previous sanction of the Governor General in Council" shall be omitted.
"	XIII	The Vaccination Act, 1880	In sections 4, 5 and 20 the words "subject to the control of the Governor General in Council" shall be omitted
1881	V	The Probate and Administration Act, 1881	In section 2 the words "with the previous sanction of the Governor General in Council" shall be omitted.
"	XXI	The Broach and Kaira Incumbered Estates Act, 1881	In section 3 the words "with the previous sanction of the Governor General in Council" shall be omitted.
1882	IV	The Transfer of Property Act, 1882	In sections 1 and 117 the words "with the previous sanction of the Governor General in Council" shall be omitted.
"	XV	The Presidency Small Cause Courts Act, 1882	In section 7 the words "subject to the control of the Governor General in Council" and the words "with the previous sanction of the Governor General in Council" shall be omitted
1883	XX	The Punjab District Boards Act, 1883	In sub-section (2) of section 11, in proviso (*a*) the words "or the Governor General in Council, for some reason affecting the public interests, sanctions the direction," and in proviso (*b*) the words "except with the approval of the Governor General in Council or" shall be omitted. In section 30, for the words "Governor General in Council" the words "Local Government" shall be substituted. In sub section (2) of section 36, the words "subject to the control of the Governor General in Council," where they occur in both places, shall be omitted

Part I —Acts of the Governor General in Council—contd

Year	No	Short title or subject	Amendments
1883	XX	The Punjab District Boards Act, 1883—*contd*	In clause (*1*) of section 55, for the words "Governor General in Council" the words "Local Government" shall be substituted, and in sub clause (*a*) before the words "make general rules" the following shall be inserted, namely — "in the case of taxes which under rules made under clause (*a*) of sub section (*3*) of section 80 A, of the Government of India Act, a local authority may be authorised to impose by any law made by the local legislature without the previous sanction of the Governor General" In the same section, the words from "Rules made under clause 2(*b*)" to the end of the section shall be omitted
1884	VII	The Indian Steam ships Act, 1884	In sub section (*4*) of section 13, in clause (*a*) the words "with the previous sanction of the Governor General in Council" and in clause (*b*) the words "of its own authority" shall be omitted.
1885	VIII	The Bengal Tenancy Act, 1885	In sub section (*7*) of section 39, the words "subject to the control of the Governor General in Council" shall be omitted In section 101, sub section (*1*) the words "with the previous sanction of the Governor General in Council and may" and the words "without such sanction in any of the cases next hereinafter mentioned" shall be omitted. In sub section (*2*) of the said section, for the words from "The cases" to "the following" the following shall be substituted, namely — "In particular and without prejudice to the generality of the foregoing power, the Local Government may make such an order in the following cases" In sub-section (*3*) of section 105, for the words "Government of India" the words "Local Government" and for the words "Gazette of India" the words "local official Gazette" shall be substituted In section 112, in sub section (*1*) the words "with the previous sanction of the Governor General in Council" and the whole of sub section (*3*) shall be omitted

Part I —Acts of the Governor General in Council—contd

Year	No	Short title or subject	Amendments
1885	XVIII	The Land Acquisition (Mines) Act, 1885	In clause (*c*) of section 3 (*2*), and in section 8, for the words "Governor General in Council" the words "Local Government" shall be substituted In sub section (*2*) of section 5, the words "in such manner as the Governor General in Council may from time to time direct" shall be omitted, and to the same section the following sub section shall be added, namely — "(*5*) Every declaration made under this section shall be published in such manner as the Local Government may direct" In section 14, after the words "those sections" the words "except in section 5, sub section (*5*) and section 8" shall be inserted
1886	VI	The Births, Deaths and Marriages Registration Act, 1886	In sub section (*2*) of section 11, the words "with the previous approval of the Governor General in Council," shall be omitted To section 13 the following proviso shall be added, namely —"Provided that the powers and functions exercisable by the Governor General in Council under this section shall, in the case of any such dominions which are within the political charge of a Local Government, be exercised by that Local Government by notification in the local official Gazette" To sub section (*2*) of section 24, the following shall be added, namely —"Provided that such certified copies shall, in the case of any such dominions which are within the political charge of a Local Government, be sent to the Registrar General of Births, Deaths and Marriages for the territories under the administration of that Local Government" To section 32, the following shall be added, namely —"Provided that such register or record shall, in the case of any such dominions which are within the political charge of a Local Government, be sent to the Registrar General of Births, Deaths and Marriages for the territories under the administration of that Local Government"

Part I —Acts of the Governor General in Council—contd

Year	No	Short title or subject	Amendments
1886	VI	The Births, Deaths and Marriages Registration Act, 1886—*contd*	For sub section (*1*) of section 33, the following shall be substituted, namely — "(*1*) Any Local Government in the case of registers or records sent under section 32 to the Registrar General for the territories under its administration, and the Governor General in Council, in the case of registers or records so sent to any other Registrar General appointed by him under the said section, may appoint so many persons as it or he, as the case may be, thinks fit to be Commissioners for examining such registers or records" In sub section (*2*) of the same section, for the words "Governor General in Council" the words "authority appointing them" shall be substituted For sub section (*1*) of section 35 A, the following shall be substituted, namely — "(*1*) The Governor General in Council or the Local Government, if he or it thinks fit, may by notification in the Gazette of India or the local official Gazette, as the case may be, appoint more Commissions than one for the purposes of section 33, each such Commission consisting of so many and such members, and having its functions restricted to the disposal, under this Act and the rules thereunder, of such registers and records sent under section 32 to the Registrar General, as may be specified in the notification"
1887	VII	The Suits Valuation Act, 1887	In sub section (*1*) of section 3, for the words "with the previous sanction" the words "subject to the control" shall be substituted.
"	X	The Native Passenger Ships Act, 1887	In section 20, for the words "Governor General in Council" the words "Local Government" shall be substituted In sub section (*2*), of section 53, the words "with the previous sanction of the Governor General in Council" shall be omitted
"	XII	The Bengal, Agra and Assam Civil Courts Act, 1887	For section 4 the following section shall be substituted, namely — "4 The Local Government may alter the number of District Judges, Subordinate Judges and Munsifs now fixed."

Part I —Acts of the Governor General in Council—contd

Year	No	Short title or subject	Amendments
1887	XII	The Bengal, Agra and Assam Civil Courts Act, 1887 —*contd*	In sub section (*1*) of section 15, after the words "Governor General in Council" the following shall be inserted, namely — "in the case of the High Court at Calcutta and by the Local Government in other cases" In clause (*b*) of section 36 (*1*), the words "with the previous sanction of the Governor General in Council" shall be omitted
,,	XVI	The Punjab Tenancy Act, 1887	In section 107, the words "to the control of the Governor General in Council and" shall be omitted
,,	XVII	The Punjab Land-revenue Act, 1887	In section 5, after the words "those tahsils" the words "and districts" shall be inserted, and the words "districts and" where they occur for the second time shall be omitted In clause (*a*) of section 61 (*1*) and in clause (*e*) of section 145 (*1*), the words "with the previous sanction of the Governor General in Council" shall be omitted In sub section (*4*) of section 145, for the words "Governor General in Council may on a reference from the Local Government" the words "Local Government may" shall be substituted, and in sub section (*5*) of the same section for the words "Governor General in Council" the words "Local Government" shall be substituted In section 156, the words "to the control of the Governor General in Council and" shall be omitted
1888	XVIII	The Burma Financial Commissioner's Act, 1888	In sections 4 and 5 the words "with the previous sanction of the Governor General in Council," and in section 5 the words "with such sanction as aforesaid," shall be omitted
1890	VI	The Charitable Endowments Act, 1890	In sub section (*1*) of section 3 for the words "Governor General in Council" the words "Local Government," and for the words "any Local Government" the words "such Local Government" shall be substituted In clause (*e*) of section 4 (*3*) and in section 11 for the words "Governor General in Council" the words "Local Government" shall be substituted

Part I —Acts of the Governor General in Council—contd

Year	No	Short title or subject	Amendments.
1890	VI	The Charitable Endowments Act, 1890—*contd*	For section 13 the following section shall be substituted, namely — " 13 (*1*) The Governor General in Council may prescribe forms for any proceedings under this Act and may make rules consistent with this Act for prescribing the Local Government which is to exercise the powers conferred by this Act in the case of property which is, or is situated, in territories subject to two or more Local Governments (*2*) The Local Government may make rules consistent with this Act for— (*a*) prescribing the fees to be paid to the Government in respect of any property vested under this Act in a Treasurer of Charitable Endowments, (*b*) regulating the cases and the mode in which schemes or any modification thereof are to be published before they are settled or made under section 5, (*c*) prescribing the forms in which accounts are to be kept by Treasurers of Charitable Endowments and the mode in which such accounts are to be audited, and (*d*) generally carrying into effect the purposes of this Act " Section 16 shall be omitted
1891	XIV	The Oudh Courts Act, 1891	In sub section (*1*) of section 4 the words " with the previous sanction of the Governor General in Council " shall be omitted
1894	I	The Land Acquisition Act, 1894	In sub section (*1*) of section 38 and in section 41, the words " subject to such rules as the Governor General of India in Council may from time to time prescribe in this behalf " shall be omitted In sub section (*1*) of section 55, the words " subject to the control of the Governor General in Council " shall be omitted,

Part I —Acts of the Governor General in Council—contd

Year	No	Short title or subject	Amendments
1894	I	The Land Acquisition Act, 1894—*contd*	And to the same sub section the following proviso shall be added, namely — "Provided that where the provisions of this Act are put in force for the acquisition of land— (*a*) for the purposes of any railway, or (*b*) for such other purposes, connected with the administration of a central subject as defined in section 45 A of the Government of India Act, as the Governor General in Council may, by notification in the Gazette of India, declare in this behalf, the power to make, alter and add to rules conferred on the Local Government by this sub section shall be exercised subject to the control of the Governor General in Council"
1896	II	The Cotton Duties Act, 1896	In sub section (*3*) of section 28, for the words "Governor General in Council" the words "Local Government" shall be substituted.
1897	III	The Epidemic Diseases Act, 1897	Sub section (*3*) of section 2 shall be omitted After section 2, the following section shall be inserted, namely — "2A When any Local Government is satisfied that the Province or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic disease, and that the ordinary provisions of the law for the time being in force are insufficient to prevent the outbreak of such disease or the spread thereof, such Local Government may exercise all or any of the powers conferred by this Act on the Governor General in Council" Concurrent powers of Local Government
"	IX	The Provident Funds Act, 1897	In section 6 for the words "Governor General in Council" the words "Local Government" and for the word "his" the word "its," shall be substituted
1898	V	The Code of Criminal Procedure, 1898	In the proviso to section 1 (*2*), the words "with the sanction of the Governor General in Council" shall be omitted

(The First Schedule)

Part I —Acts of the Governor General in Council—contd

Year	No	Short title or subject	Amendments
1898	V	The Code of Criminal Procedure, 1898—*contd*	In sections 7 (*2*), 14 (*3*), 269 (*1*), 495 (*1*), 544 and 565 (*3*), the words "with the previous sanction of the Governor General in Council" shall be omitted For section 22, the following section shall be substituted, namely — "22 Every Local Government, so far as regards the territories subject to its administration (other than the presidency towns), may by notification in the official Gazette appoint such European British subjects as it thinks fit to be Justices of the Peace within and for the local area mentioned in such notification" In sub section (*1*) of section 24, for the words "Governor General in Council" the words "Local Government" and for the words "British India", where it occurs for the second time, the words "the territories subject to its administration" shall be substituted In section 27, the words from "the Governor General in Council" to "and" shall be omitted In section 132 for the words "Governor General in Council" the words "Local Government" shall be substituted, and to the same section the following proviso shall be added, namely — "Provided that no such prosecution shall be instituted in any Criminal Court against any officer or soldier in His Majesty's Army except with the sanction of the Governor General in Council" In sub section (*4*) of section 313, after the words "Governor General in Council" the words "or the Local Government" shall be inserted.
"	XIII	The Burma Laws Act, 1898.	In sections 10 (*3*), 12 (*1*) (*b*) and (*c*) and 14 (*1*), for the words "with the previous sanction" the words "subject to the control" shall be substituted

Part I —Acts of the Governor General in Council—contd

Year	No	Short title or subject	Amendments
1899	IV	The Government Buildings Act, 1899.	In sub section (*3*) of section 4, after the word "section" the following shall be inserted, namely —"in regard to any building which is used or required for the administration of a central subject as defined in section 45 A of the Government of India Act or which is the property of the Government of India"
,,	IX	The Indian Arbitration Act, 1899	In the proviso to section 2, the words "with the previous sanction of the Governor General in Council" shall be omitted
,,	XIII	The Glanders and Farcy Act, 1899	In sub section (*1*) of section 2, for the words "Governor General in Council" the words "Local Government" and for the words "Gazette of India" the words "local official Gazette" shall be substituted
,,	XXIV	The Central Provinces Court of Wards Act, 1899	In clause (*c*) of section 2, the words "with the previous sanction of the Governor General in Council" shall be omitted
1900	III	The Prisoners Act 1900	In sub section (*1*) of section 19, for the words "British India" the words "the Province" and for the words "Governor General in Council" the words "Local Government" shall be substituted For section 21 the following section shall be substituted, namely — "21 (*1*) The Local Government may grant to any person under sentence of penal servitude a license to be at large within such part of the Province and during such portion of his term of penal servitude as may be specified in the license and upon such conditions as the Governor General in Council may by general or special order prescribe (*2*) The Local Government may revoke or, subject to such conditions, alter any license granted under sub section (*1*)" In section 23 for the words "Government of India" the words "Local Government" shall be substituted.

Part I —Acts of the Governor General in Council—contd

Year	No	Short title or subject	Amendments
1900	III	The Prisoners Act, 1900—*contd*	For sub section (*4*) of section 30, the following shall be substituted, namely — "(*4*) In any case in which the Local Government is competent under sub section (*1*) to order the removal of a prisoner to a lunatic asylum or other place of safe custody within the Province, the Local Government may order his removal to any such asylum or place within any other Province or within the territories of any Native Prince or State in India by agreement with the Local Government of such other Province or with such Native Prince or State, as the case may be, and the provisions of this section respecting the custody, detention, remand and discharge of a prisoner removed under sub section (*1*) shall, so far as they can be made applicable, apply to a prisoner removed under this sub-section" Section 32 shall be re numbered section 32 (*1*) and in the same section for the words "Governor General in Council" the words "Local Government" and for the words "British India" the words "the Province" shall be substituted And to the same section the following sub section shall be added, namely — "(*2*) In any case in which the Local Government is competent under sub section (*1*) to appoint places within the Provinces and to order the removal thereto of persons under sentence of transportation, the Local Government may appoint such places in any other Province by agreement with the Local Government of that Province, and may by like agreement give orders or duly authorise some officer to give orders for the removal thereto of such persons" In section 42, the words "The Governor General in Council or", the words "the Gazette of India or" and the words "as the case may be," shall be omitted

Part I —Acts of the Governor General in Council—contd

Year	No	Short title or subject	Amendments
1900	VI	The Lower Burma Courts Act, 1900	In sub section (*1*) of section 17, for the words "Governor General in Council" the words "Local Government" shall be substituted
"	XIII	The Punjab Alienation of Land Act, 1900	In section 24, the words "with the previous sanction of the Governor General in Council" shall be omitted
1901	VI	The Assam Labour and Emigration Act, 1901	In clause (*b*) of section 1 (*2*) and in section 221, for the words "with the previous sanction" the words "subject to the control" shall be substituted In sub section (*2*) of section 64, for the words "the Governor General in Council" the words "Local Government" shall be substituted
"	VIII	The Indian Mines Act, 1901	In sub section (*1*) of section 18, the words "the Governor General in Council or" where they occur in both places shall be omitted
1903	I	The Amending Act, 1903	In Part II of the Second Schedule in the entry in column 4 against Act XXI of 1836, the words "with the previous sanction of the Governor General in Council" shall be omitted
"	XVI	The Central Provinces Municipal Act, 1903	In section 35 for the words "Governor General in Council" where they first occur the words "Local Government" shall be substituted, and to clause (*a*) the following sub clause shall be added, namely — "(*xii*) any other tax which, under rules made under clause (*a*) of section 80 A, sub section (*3*), of the Government of India Act, a local authority may be authorised to impose by any law made by the local legislature without the previous sanction of the Governor General"
1908	V	The Code of Civil Procedure 1908	In sub section (*1*) of section 5 the words "with the previous sanction of the Governor General in Council" and the words "with the sanction aforesaid" shall be omitted In sections 61, 67 (*1*) and (*2*), 68 and 143 the words "with the previous sanction of the Governor General in Council" shall be omitted

Part I —Acts of the Governor General in Council—contd

Year	No	Short title or subject	Amendments
1908	V	The Code of Civil Procedure, 1908—*contd*	In section 125, for the words "as the Governor General in Council may determine" the following shall be substituted, namely —"as, in the case of the Court of the Judicial Commissioner of Coorg, the Governor General in Council, and, in other cases the Local Government, may determine"
"	XIV	The Indian Criminal Law Amendment Act, 1908	In sub section (*2*) of section 1, for the words "Governor General in Council" the words "Local Government of any other Province," for the words "Gazette of India" the words "official Gazette," and for the words "any other Province" the words "that Province" shall be substituted In sub section (*3*) of the same section for the words "Governor General in Council," where they occur in both places, the words "Local Government" shall be substituted In sub section (*1*) of section 2, the words "to the Governor General in Council or", the words "the Governor General in Council or" and the words "with the previous sanction of the Governor General in Council" shall be omitted In clause (*b*) of section 15 (*2*) and in section 16 for the words "Governor General in Council" wherever they occur, the words "Local Government," shall be substituted.
"	XVI	The Indian Registration Act, 1908	In sub section (*2*) of section 1, the words "with the previous sanction of the Governor General in Council" shall be omitted In sub section (*1*) of section 4, the words "with the previous consent of the Governor General in Council" shall be omitted In sub section (*1*) of section 4 and in section 78, the words "subject to the control of the Governor General in Council" shall be omitted
"	XVII	The Indian Emigration Act, 1908	In sections 2 (*2*), 27 (*2*), 32, 74 (*2*) and 77 (*2*), for the words "Governor General in Council," wherever they occur, the words "Local Government" shall be substituted

Part I —Acts of the Governor General in Council—contd

Year	No	Short title or subject	Amendments
1908	XVII	The Indian Emigration Act, 1908—*contd*	In sub section (*1*) of section 81 for the words "Governor General in Council" the words "Local Government" and for the words "Gazette of India" the words "local official Gazette" shall be substituted In the same sub section, after clause (*f*) the following shall be inserted, namely — "and (*g*) to provide for the disposal of emigrants who may be landed under section 74 (1 A) The Governor General in Council may, by notification in the Gazette of India, make rules consistent with this Act —" In the same sub section, clause (*n*) shall be omitted, clauses (*g*), (*h*), (*i*), (*j*), (*k*), (*l*), (*m*), (*o*), (*p*), (*q*), (*r*), and (*s*) shall be re numbered clauses (i) to (xii), respectively, and in the proviso for the letter and brackets "(*h*)" the figures and brackets "(ii)" and for the words "this section" the words "this sub section" shall be substituted
1910	IX	The Indian Electricity Act, 1910	Sub section (*3*) of section 3 shall be omitted In section 10, the words "with the previous sanction of the Governor General in Council" shall be omitted In sub section (*2*) of section 32, for the words "Governor General in Council" in both places where they occur the words "Local Government," and for the word "he" the word "it" shall be substituted In sub section (*1*) of section 34, for the words "Governor General in Council" the words "Local Government" shall be substituted
1911	III	The Criminal Tribes Act, 1911	For section 11, the following section shall be substituted, namely — "11 (*1*) If the Local Government considers that it is expedient that any criminal tribe should be— Power to restrict movements of, or settle criminal tribes (*a*) restricted in its movements to any specified area, or

Part I —Acts of the Governor General in Council—contd

Year	No	Short title or subject	Amendments
1911	III	The Criminal Tribes Act, 1911—*contd*	(*b*) settled in any place of residence, the Local Government may, by notification in the local official Gazette, declare that such criminal tribe shall be restricted in its movements to the area specified in the notification, or shall be settled in the place of residence so specified, as the case may be (*2*) Before making any such declaration, the Local Government shall consider the following matters, namely — (*i*) the nature and the circumstances of the offences in which the members of the criminal tribe are believed to have been concerned, (*ii*) whether the criminal tribe follows any lawful occupation, and whether such occupation is its real occupation or merely a pretence for the purpose of facilitating the commission of crimes, (*iii*) the suitability of the area to which it is proposed to restrict the movements of the criminal tribe, or of the place of residence in which it is proposed to settle it, and (*iv*) the manner in which it is proposed that the criminal tribe shall earn its living within the restricted area or in the settlement, and the adequacy of the arrangements which are proposed therefor" Section 12 shall be omitted In sections 13, 16, 17 (*1*), 20 (*2*) (*e*) and 28, for the word and figures "section 12" the word and figures "section 11" shall be substituted In section 19 for the words "Governor General in Council" the words "Local Government" shall be substituted, and for the words "in any part of British India" the following shall be substituted, namely — "in the province, or, with the previous consent of the Local Government of any other province, in such other province"

Part I —Acts of the Governor General in Council—contd

Year	No	Short title or subject	Amendments
1912	II	The Co operative Societies Act, 1912	Section 28 shall be re numbered section 28 (*1*) and in the said section the letter and brackets "(*a*)" and the whole of clauses (*b*) and (*c*) shall be omitted To the same section the following sub section shall be added, namely — "(2) The Local Government, by notification in the local official Gazette, may, in the case of any registered society or class of registered society, remit— (*a*) the stamp duty with which, under any law for the time being in force, instruments executed by or on behalf of a registered society or by an officer or member and relating to the business of such society, or any class of such instruments, are respectively chargeable, and (*b*) any fee payable under the law of registration for the time being in force"
	IV	The Indian Lunacy Act, 1912	In sub section (*1*) of section 35, for the words from "Any lunatic" to "Governor General in Council" the following shall be substituted, namely — "Any lunatic may, in accordance with any general or special order of the Local Government, be removed from any asylum established by Government to any other asylum within the province, or to any other asylum in any other province, with the consent of the Local Government of that province" In sub section (2) of the same section, for the words "Governor General in Council" the words "Local Government" and for the word "he", where it first occurs, the word "it" shall be substituted, and in the same sub section, for the words "in British India" the following shall be substituted, namely — "in the province, or to any asylum, jail or other place of safety in any other province with the consent of the Local Government of that province"

(The First Schedule)

Part I —Acts of the Governor General in Council—contd

Year	No	Short title or subject	Amendments
1912	IV	The Indian Lunacy Act, 1912—*contd*	For section 85, the following section shall be substituted, namely — "85 The Magistrates or Courts exercising jurisdiction in any province may send lunatics or any class of lunatics to any asylum situate in any other province in accordance with any general or special order of the Local Government made in that behalf with the consent of the Local Government of such other province" In sub section (*1*) of section 91, the words "subject to the control of the Governor General in Council" shall be omitted In section 99 for the words "Governor General in Council" the words "Local Government," and for the words "British India" the words "the province" shall be substituted
"	VII	The Bengal, Bihar and Orissa and Assam Laws Act, 1912	The proviso to section 3 shall be omitted
1914	IX	The Local Authorities Loans Act, 1914	To sub section (*1*) of section 3, the following further proviso shall be added, namely — "Provided further that, in the case of loans other than loans made by the Local Government, no amount exceeding twenty five lakhs of rupees shall be borrowed unless the terms, including the date of flotation, of such loan have been approved by the Governor General in Council" In sub section (*1*) of section 4, for the words "Governor General in Council", where they first occur, the words "Local Government" shall be substituted In the same sub section, in clause (*vi*) the words from "without" to the end of the clause shall be omitted, and for clause (*vii*) the following shall be substituted, namely — "(*vii*) the cases in which local authorities may take loans from persons other than the Local Government"

Part I —Acts of the Governor General in Council—concld

Year	No	Short title or subject	Amendments
1914	IX	The Local Authorities Loans Act, 1914—*contd*	Sub section (*2*) of section 4, and in sub section (*3*) the words from "in the Gazette of India" to "delegated power," shall be omitted
1917	I	The Inland Steam vessels Act, 1917	In sub section (*1*) of section 19, the words "with the previous sanction of the Governor General in Council" shall be omitted
1918	II	The Cinematograph Act, 1918	In sub section (*3*) of section 1, for the words "Governor General in Council" the words "Local Government" and for the words "Gazette of India" the words "local official Gazette" shall be substituted In sub section (*1*) of section 8, for the words "Governor General in Council" the words "Local Government" shall be substituted Sub section (*3*) of the same section shall be omitted, and in sub section (*4*), the words "Gazette of India or" and the words "as the case may be," shall be omitted
1919	I	The Local Authorities Pensions and Gratuities Act, 1919	In sub section (*1*) of section 4, for the words "Governor General in Council", where they occur for the second time, the words "Local Government" shall be substituted
"	XII	The Poisons Act, 1919	In sub section (*1*) of section 4, for the words "with the previous sanction" the words "subject to the control" shall be substituted In sub section (*1*) of section 8, for the words "the Governor General in Council, or" the word "and" shall be substituted
1920	V	The Provincial Insolvency Act, 1920	In section 81, the words "with the previous sanction of the Governor General in Council" shall be omitted

Part II —Regulations by the Governor General in Council

1880	II	The Assam Frontier Tracts Regulation, 1880	In section 1, for the words "the Governor General in Council", where they occur in both places, the word "he" and for the words "Gazette of India" the words "local Gazette" shall be substituted

Part II —Regulations by the Governor General in Council—contd

Year	No	Short title or subject	Amendments
1880	II	The Assam Frontier Tracts Regulation, 1880—*contd*	In section 2, the words "with the previous sanction of the Governor General in Council" shall be omitted
1884	III	The Assam Frontier Tracts Regulation, 1884	In section 1, for the words "Governor General in Council", where they occur in both places, the words "Chief Commissioner" shall be substituted
1886	I	The Assam Land and Revenue Regulation, 1886	In sections 1 (*2*) and 18, the words "with the previous sanction of the Governor General in Council" wherever they occur, shall be omitted In proviso (*a*) to section 34, for the words "Governor General in Council" the words "Chief Commissioner" shall be substituted In sections 122, 124 and 158 (*1*), the words "subject to the control of the Governor General in Council" shall be omitted In sub section (*1*) of section 139, the words "subject to such rules as the Governor General in Council may make in this behalf" shall be omitted Sub section (*3*) of section 157 shall be omitted
1887	XII	The Upper Burma Ruby Regulation, 1887	In section 14, the words "with the previous sanction of the Governor General in Council" shall be omitted
1889	III	The Upper Burma Land and Revenue Regulation, 1889	In sub sections (*2*) and (*3*) of section 27 the words "subject to the control of the Governor General in Council" shall be omitted In sub section (*1*) of section 51, the words "to the control of the Governor General in Council and" shall be omitted
1891	VII	The Assam Forest Regulation, 1891	In section 21, for the words "Governor General in Council" the words "Local Government" shall be substituted
1892	V	The Upper Burma Criminal Justice Regulation, 1892	In section 1 of the Schedule, for the words "Governor General in Council" the words "Local Government" shall be substituted

Part II —Regulations by the Governor General in Council—concld

Year	No.	Short title or subject	Amendments
1892	V	The Upper Burma Criminal Justice Regulation, 1892 —*contd*	In sub section (2) of section 12 of the Schedule the words "The Governor General in Council or" shall be omitted
1896	I	The Upper Burma Civil Courts Regulation, 1896	In sub section (1) of section 17, for the words "Governor General in Council" the words "Local Government" shall be substituted
1899	I	The Coorg Land and Revenue Regulation, 1899	In sections 6 (2) and 7 for the words "Governor General in Council," wherever they occur, the words "Chief Commissioner" shall be substituted
1900	I	The Chittagong Hill tracts Regulation, 1900	In sections 2 (2) and 4 (2) the words "with the previous sanction of the Governor General in Council" shall be omitted
1901	I	The Coorg Courts Regulation, 1901	In section 3, after the words "Judicial Commissioner" the words "and the Chief Commissioner may appoint" shall be inserted In section 18, the words "with the previous approval of the Governor General in Council" shall be omitted
1915	I	The Excise Regulation, 1915	In sections 4 and 8, the words "with the previous sanction of the Governor General in Council" shall be omitted To section 4, the following proviso shall be added, namely — "Provided that, where the interests of any other Province may be affected, no such declaration shall be made without the previous sanction of the Governor General in Council" To section 8, the following proviso shall be added, namely — "Provided that, where the interests of any other Province may be affected, no notification shall be issued under clause (a) without the previous sanction of the Governor General in Council"

Part III —Madras Acts

1888	I	The Local Authorities Loan Act, 1888	In section 3, the words "with the previous sanction of the Governor General in Council" shall be omitted

(The First Schedule)

Part III —Madras Acts—concld

Year	No	Short title or subject	Amendments
1902	I	The Madras Court of Wards Act, 1902	In sub section (*1*) of section 45 the words "with the previous sanction of the Governor General in Council" shall be omitted
1919	IV	The Madras City Municipal Act, 1919	In section 15, proviso (*a*), section 88, proviso (*a*), section 95, second proviso and sections 144 and 145, for the words "Governor General in Council" the words "Governor in Council" shall be substituted In section 48, the words "with the sanction of the Governor General in Council" shall be omitted In clauses (*i*) and (*ii*) of the proviso to section 142 (*1*) the words from "or if the loan" to "Governor General in Council" shall be omitted, and to the said proviso the following shall be added, namely — "(*iii*) no loan exceeding in amount twenty five lakhs of rupees shall be raised unless the terms, including the date of flotation, of such loan have been approved by the Governor General in Council" In section 143, for the words "Governor General in Council" the words "Governor in Council" shall be substituted

Part IV —Bombay Acts

1866	XII	Constitution of Courts in Sindh	In section 1, the words "with the sanction of the Government of India" shall be omitted
1867	VI	Sanitary Regulation of the City of Bombay	In section 1, the words "acting under the general control of the Government of India" shall be omitted
1868	II	The Bombay Ferries Act, 1868	In section 4, the words "or imperial" and the words "except with the sanction of the Governor General in Council" shall be omitted
1876	II	The Bombay City Land revenue Act, 1876	In section 6, the words "under the general control of the Governor General of India in Council" shall be omitted

Part IV —Bombay Acts—contd

Year	No	Short title or subject	Amendments
1878	V	The Bombay Abkari Act, 1878	In proviso (*ii*) to section 19, the words "with the previous sanction of the Government of India" shall be omitted
1886	VI	The Karachi Port Trust Act, 1886	In section 3, the words "with the approval of the Governor General in Council" shall be omitted
1888	III	The City of Bombay Municipal Act, 1888	In section 106, for the words "Governor General of India in Council" the words "Governor in Council" shall be substituted, and to the same section the following proviso shall be added, namely — "Provided that no loan exceeding in amount twenty five lakhs of rupees shall be contracted by the Corporation unless the terms, including the date of flotation, of such loan have been approved by the Governor General of India in Council" In clause (*c*) of section 109 for the words "the Governor General of India in Council" the words "the Governor in Council" shall be substituted
1890	II	The Bombay Salt Act, 1890	In sub section (*1*) of section 4, for the words "subject to the general control of the Governor General in Council" the following shall be substituted, namely — "subject to such control of the Governor General in Council as may be prescribed by rules made under section 45 A of the Government of India Act"
"	IV	The Bombay District Police Act, 1890	In section 4, after the word "subject" the words "in the case of officers of the Indian Police of and above the rank of Assistant Superintendent" shall be inserted, and for the words "the authorities aforesaid" the word "Government" shall be substituted In sub section (*2*) of section 5 the words "subject to the previous approval of the Governor General in Council" shall be omitted
1898	IV	The City of Bombay Improvement Act, 1898	In section 33, the words "for transmission to the Government of India" shall be omitted, and for the words "the Government of India," where they occur for the second time, the word "Government" shall be substituted

Part IV —Bombay Acts—concld

Year	No	Short title or subject	Amendments
1898	IV	The City of Bombay Improvement Act, 1898—*contd*	In section 37, the words "either the Government of India or" shall be omitted In section 52, for the words "the Government of India" the word "Government" shall be substituted, and to the same section the following proviso shall be added, namely — "Provided that no loan exceeding in amount twenty five lakhs of rupees shall be raised by the Board, unless the terms, including the date of flotation, of such loan have been approved by the Government of India" In section 53, for the words "the Government of India" the word "Government" and for the words "with the previous consent of the Government of India" the words "subject to the provisions of the last preceding section" shall be substituted, and the words "under the last preceding section" shall be omitted In sections 55 (*2*), 57, 61 (*2*) and 75 (*1*), for the words "the Government of India" the word "Government" shall be substituted
1901	III	The Bombay District Municipal Act, 1901	In section 59, for the words "Governor General in Council" the words "Governor in Council" shall be substituted, and after clause (*x*) the following clause shall be inserted, namely —"(x A) any other tax which, under rules made under clause (*a*) of section 80 A, sub section (*3*), of the Government of India Act, a local authority may be authorised to impose by any law made by the local legislature without the previous sanction of the Governor General" In clause (xi) of the same section, after the words "Governor in Council" the words "and of the Governor General in Council" shall be inserted
1902	IV	The City of Bombay Police Act, 1902	In section 44, for the words "Governor General in Council" the words "Governor in Council" shall be substituted
1918	VI	The Bombay Disqualification of Aliens Act, 1918	In section 5, the words "with the approval of the Governor General in Council" shall be omitted

Part V —Bengal Acts

Year	No	Short title or subject	Amendments
1866	II	The Calcutta Suburban Police Act, 1866	In sub section (*4*) of section 47 A, the words "subject to the control of the Governor General in Council" shall be omitted
"	IV	The Calcutta Police Act, 1866	In section 4, for the words "Governor General of India in Council" the following shall be substituted, namely —"Lieutenant Governor, subject to rules made under section 45 A of the Government of India Act"
			In sub section (*4*) of section 78 A the words "subject to the control of the Governor General in Council" shall be omitted
1869	VII	The Bengal Police Act, 1869	In section 5, after the word "subject" the words "in the case of officers of the Indian Police of and above the rank of Assistant Superintendent" shall be inserted
1879	III	The Bengal Steam boilers and Prime movers Act, 1879	In clause (*f*) of section 4 (*2*), for the words "Government of India" the words "Local Government" shall be substituted, and after the word "payment" the words "subject to rules made under section 45 A of the Government of India Act" shall be inserted
1899	III	The Calcutta Municipal Act, 1899	In sub section (*3*) of section 24, the words "with the previous sanction of the Government of India" shall be omitted
			In clauses (*i*) and (*ii*) of the proviso to section 128 (*i*), the words "or (if the loan exceeds rupees five lakhs or is to be repaid after a period exceeding thirty years) the Government of India" shall be omitted
			After clause (*iii*) of the same proviso, the following shall be inserted, namely —
			"(*iv*) no loan exceeding in amount twenty five lakhs of rupees shall be raised, unless the terms, including the date of flotation, of such loan have been approved by the Government of India"
			In sub section (*1*) of section 141 B, for the words "Government of India" the words "Local Government" shall be substituted

Part V —Bengal Acts—contd

Year	No	Short title or subject	Amendments
1904	III	The Bengal Settled Estates Act, 1904	In sections 7 and 16 (*5*) the words "with the previous sanction of the Governor General in Council" shall be omitted
1908	VI	The Chota Nagpur Tenancy Act, 1908	In section 265 (*1*) the words "with the previous sanction of the Government of India" shall be omitted
1909	V	The Bengal Excise Act, 1909	In sections 4 and 11, the words "with the previous sanction of the Government of India" shall be omitted To section 4, the following proviso shall be added, namely — "Provided that, where the interests of any other Province may be affected, no such declaration shall be made without the previous sanction of the Government of India" To section 11, the following proviso shall be added, namely — "Provided that, where the interests of any other Province may be affected, no notification shall be issued under clause (*a*) without the previous sanction of the Government of India"
1911	V	The Calcutta Improvement Act, 1911	In clauses (*i*) and (*ii*) of proviso (*b*) to section 83 (*1*) and in sections 176 (*1*) and (*2*) and 177 (*1*), the words "with the previous sanction of the Government of India" shall be omitted In section 89, for the words "Government of India" the words "Local Government" shall be substituted, and to the same section the following proviso shall be added, namely — "Provided that no loan exceeding in amount twenty five lakhs of rupees shall be taken by the Board, unless the terms, including the date of flotation, of such loan have been approved by the Government of India" Section 90 shall be omitted

Part V —Bengal Acts—concld

Year	No	Short title or subject	Amendments
1911	V	The Calcutta Improvement Act, 1911 - *contd*	In sections 93 (*1*) 98, 99 and 100 for the words "Government of India", wherever they occur, the words "Local Government" shall be substituted
1913	II	The Bengal Board of Revenue Act 1913	In the proviso to section 3, the words "with the previous sanction of the Government of India" shall be omitted
1918	III	The Bengal (Alien) Disqualification Act, 1918	In the proviso to section 3, the words "with the approval of the Governor General in Council" shall be omitted

Part VI —United Provinces Acts

1892	III	The United Provinces Village Courts Act, 1892	In section 77, the words "and subject to the approval of the Governor General in Council" shall be omitted
1899	II	Collection of Taxes by Railway Administrations	In section 3, the words "and of the Governor General in Council" shall be omitted
1901	II	The Agra Tenancy Act, 1901	In sub section (*1*) of section 52, the words "with the previous sanction of the Governor General in Council" shall be omitted
"	III	The United Provinces Land Revenue Act, 1901	In sections 6 and 13 (*1*), the words "with the previous sanction of the Governor General in Council" shall be omitted In section 62, the words "in accordance with general principles sanctioned by the Governor General in Council" shall be omitted In the proviso to section 68, the words "without the previous sanction of the Governor General in Council" and the words "from the settlement", where they occur for the second time, shall be omitted In sub section (*3*) of section 86, for the words "Governor General in Council" the words "Local Government" shall be substituted
1906	III	The United Provinces District Boards Act, 1906	In sub section (*1*) of section 5, the proviso shall be omitted In sub sections (*2*) and (*4*) of section 32 and in clause (*i*) of section 56 (*1*), after the words "Governor General in Council" the words "or Local Government" shall be inserted

Part VI —United Provinces Acts—contd

Year	No	Short title or subject	Amendments
1906	III	The United Provinces District Boards Act, 1906—*contd*	In sub section (*2*) of section 46, the words "and subject to any general or special orders of the Governor General in Council" shall be omitted, and for the words "Governor General in Council", where they occur for the second time, the words "Local Government" shall be substituted In sub section (*1*) of section 55, the words "with the previous approval of the Governor General in Council" shall be omitted
1910	IV	The United Provinces Excise Act, 1910	In sections 3 (*4*) and 9, the words "subject to such conditions (if any) as the Governor General in Council may prescribe" shall be omitted In sub section (*2*) of section 4, the words "with the previous sanction of the Government of India" shall be omitted, and to the said sub section the following proviso shall be added, namely — "Provided that, where the interests of any other Province may be affected, no declaration shall be made under this sub section without the previous sanction of the Government of India" In clause (*a*) of section 14, the words "with the sanction of the Governor General in Council" shall be omitted, and to the said section the following proviso shall be added, namely — "Provided that, where the interests of any other Province may be affected, no notification shall be issued under clause (*a*) without the previous sanction of the Government of India"
1916	II	The United Provinces Municipalities Act, 1916	In sub section (*2*) of section 3, the word "or" at the end of clause (*a*) and the whole of clauses (*b*) and (*c*) shall be omitted In section 80, for the words "Governor General in Council", where they first occur, the words "Local Government" shall be substituted, and after the words "Governor General in Council", where they occur for the second time, the words "or Local Government" shall be inserted

Part VI —United Provinces Acts—concld

Year	No	Short title or subject	Amendments
1916	II	The United Provinces Municipalities Act, 1916—*contd*	In sub section (*1*) of section 128, for the words "Governor General in Council", where they first occur, the words "Local Government" shall be substituted, and after clause (xiii) the following clause shall be inserted, namely — "(xiii A) any other tax which, under rules made under clause (*a*) of section 80 A, sub section (*3*) of the Government of India Act, a local authority may be authorised to impose by any law made by the local legislature without the previous sanction of the Governor General" In clause (xiv) of the same sub section for the words "any other tax" the following shall be substituted, namely —"any tax not authorised under clauses (i) to (xiii A)" In sub section (*3*) of section 133, after the word and figures "clause (xiii)" the words and figures "or under clause (xiii A)" shall be inserted

Part VII —Punjab Acts.

1911	III	The Punjab Municipal Act, 1911	In section 61, for the words "Governor General in Council" where they first occur the words "Local Government" shall be substituted, and after clause (B) (i) the following clause shall be inserted, namely — "(*j*) any other tax which, under rules made under clause (*a*) of section 80 A, sub section (*3*) of the Government of India Act, a local authority may be authorised to impose by any law made by the local legislature without the previous sanction of the Governor General" In sub section (*1*) of section 238, the words "with the previous approval of the Governor General in Council" and the proviso shall be omitted
1912	V	The Colonization of Government Lands (Punjab) Act, 1912	In the proviso to section 4 after the words "Provided that" the words "unless the Local Government by general or special order otherwise directs" shall be inserted, and the words "without the previous sanction of the Governor General in Council" shall be omitted

(The First Schedule)

Part VII —Punjab Acts—concld

Year	No	Short title or subject	Amendments
1914	I	The Punjab Excise Act, 1914	In sections 4 and 17, the words "with the previous sanction of the Governor General in Council," shall be omitted To section 4, the following proviso shall be added, namely — "Provided that, where the interests of any other Province may be affected, no such declaration shall be made without the previous sanction of the Governor General in Council" To section 17, the following proviso shall be added, namely — "Provided that, where the interests of any other Province may be affected, no notification shall be issued under clause (*a*) without the previous sanction of the Governor General in Council"

Part VIII —Bihar and Orissa Acts

1913	I	The Bihar and Orissa Board of Revenue Act, 1913	In the proviso to section 3, the words "with the previous sanction of the Government of India" shall be omitted.
,,	II	The Orissa Tenancy Act, 1913	In sub section (*7*) of section 46, the words "subject to the control of the Governor General in Council" shall be omitted In sub section (*1*) of section 112, the words "with the previous sanction of the Governor General in Council and may" and the words "without such sanction in any of the cases next hereinafter mentioned" shall be omitted In sub section (*2*) of the said section, for the words from "The cases" to "the following" the following shall be substituted, namely — "In particular and without prejudice to the generality of the foregoing power, the Local Government may make such an order in the following cases" In sub section (*3*) of section 128, for the words "Governor General in Council" the words "Local Government" and for the words "Gazette of India" the words "local official Gazette" shall be substituted

Part VIII —Bihar and Orissa Acts—concld

Year	No	Short title or subject	Amendments
1913	II	The Orissa Tenancy Act, 1913—*contd*	In sub section (*1*) of section 143, the words "with the previous sanction of the Governor General in Council" shall be omitted In sub section (*3*) of the same section, for the words "Governor General in Council", where they occur in both places, the words "Local Government" shall be substituted In sub section (*1*) of section 192, the words "with the previous sanction of the Governor General in Council" and the words "with the like sanction" shall be omitted
1915	II	The Bihar and Orissa Excise Act, 1915	In sections 4 and 11 the words "with the previous sanction of the Government of India" shall be omitted To section 4, the following proviso shall be added, namely — "Provided that, where the interests of any other Province may be affected, no such declaration shall be made without the previous sanction of the Government of India" To section 11, the following proviso shall be added, namely — "Provided that, where the interests of any other Province may be affected, no notification shall be issued under clause (*a*) without the previous sanction of the Government of India"

Part IX —Eastern Bengal and Assam Act

1910	I	The Eastern Bengal and Assam Excise Act, 1910	In section 4 the words "with the previous sanction of the Governor General in Council" shall be omitted, and to the said section, the following proviso shall be added, namely — "Provided that, where the interests of any other Province may be affected, no such declaration shall be made without the previous sanction of the Governor General in Council"

(The First Schedule)

Part IX —Eastern Bengal and Assam Act—concld

Year	No	Short title or subject	Amendments
1910	I	The Eastern Bengal and Assam Excise Act, 1910 —*contd*	In section 12 the words "with the sanction of the Governor General in Council" shall be omitted, and to the said section, the following proviso shall be added, namely — "Provided that, where the interests of any other Province may be affected, no notification shall be issued under clause (*a*) without the previous sanction of the Governor General in Council"

Part X —Central Provinces Acts

1915	II	The Central Provinces Excise Act, 1915	In clause (*3*) of section 2, the words "subject to the control of the Governor General in Council" shall be omitted In sections 4 and 8, the words "with the previous sanction of the Governor General in Council" shall be omitted To section 4 the following proviso shall be added, namely — "Provided that, where the interests of any other Province may be affected, no such declaration shall be made without the previous sanction of the Governor General in Council" To section 8, the following proviso shall be added, namely — "Provided that, where the interests of any other Province may be affected, no notification shall be issued under clause (*a*) without the previous sanction of the Governor General in Council"
1917	I	The Central Provinces Courts Act, 1917	In sub section (*1*) of section 4 the words "with the sanction of the Governor General in Council" shall be omitted, and after the word "Judges" the words "who shall be appointed by the Local Government and" shall be inserted For sub section (*2*) of the same section, the following shall be substituted, namely — "(*2*) The Local Government shall appoint one of such Judges to be the Judicial Commissioner, and the others shall be Additional Judicial Commissioners"

Part X —Central Provinces Acts—concld

Year	No	Short title or subject	Amendments
1917	II	The Central Provinces Land Revenue Act, 1917	Section 4 shall be omitted In sub section (*2*) of section 5, for the words "with the previous sanction" the words "subject to the control" shall be substituted In sub section (*1*) of section 8 the words "with the previous sanction of the Governor General in Council" shall be omitted

Part XI —Burma Acts

1898	III	The Burma Municipal Act, 1898	In sections 37, 38 and 38 B, after the words "Governor General in Council" wherever they occur, the words "or of the Local Government" shall be inserted In sub section (*1*) of section 46, for the words "Governor General in Council" the words "Local Government" shall be substituted, and after clause (*h*) of division (A) the following clause shall be inserted, namely — "(*i*) any other tax which, under rules made under clause (*a*) of section 80 A, sub section (*3*), of the Government of India Act, a local authority may be authorised to impose by any law made by the local legislature with the previous sanction of the Governor General" In division (B) of the same sub section, for the words "any other tax" the words "any tax not authorised under division (A)" shall be substituted
"	IV	The Lower Burma Town and Village Lands Act, 1898	In sections 17 (*1*) and 43, the words "subject to the control of the Governor General in Council" shall be omitted
1899	IV	The Rangoon Police Act, 1899	In sections 6 and 9 after the words "subject" the words "in the case of officers of the Indian Police of and above the rank of Assistant Superintendent" shall be inserted In section 7, for the words from "may appoint" to the end of the section the following shall be substituted, namely — "may, subject to rules made under section 45 A of the Government of India Act, appoint so many Superintendents of Police as it thinks fit"

Part XI —Burma Acts—concld

Year	No	Short title or subject	Amendments
1902	IV	The Burma Forest Act, 1902	In section 23, for the words "Governor General in Council" the words "Local Government" shall be substituted
1905	IV	The Rangoon Port Act, 1905	In sub section (*1*) of section 5, the words "with the previous sanction of the Governor General in Council" shall be omitted
1907	VI	The Burma Village Act, 1907	In sub section (*1*) of section 29, the words "subject to the control of the Governor General in Council" shall be omitted
1910	I	The Burma Process Fees Act, 1910	In section 3, the words "subject to the control of the Governor General in Council and" shall be omitted
1917	IV	The Rangoon Hackney Carriages Act, 1917	In section 2, the words "subject to the control of the Governor General in Council" shall be omitted, and to the same section, the following proviso shall be added, namely — "Provided that the Local Government, when extending this Act or any provisions thereof to any cantonment, shall exercise its powers under this section subject to the control of the Governor General in Council"
1917	V	The Burma Excise Act, 1917	In section 3 the words "subject to the control of the Governor General in Council" shall be omitted, and to the said section, the following proviso shall be added, namely — "Provided that, where the interests of any other Province may be affected, such declaration shall be made subject to the control of the Governor General in Council." In section 8 the words "with the sanction of the Governor General in Council" shall be omitted, and to the said section, the following proviso shall be added, namely — "Provided that, where the interests of any other Province may be affected, no notification prohibiting the import or export of any excisable article shall be issued without the sanction of the Governor General in Council"

THE SECOND SCHEDULE

(*See section 3*)

Year	No	Short title or subject	Extent of repeal
		Acts of the Governor General in Council	
1890	XVI	The Births, Deaths and Marriages Registration Act (1886) Amendment Act, 1890	Section 2
1891	II	The Indian Christian Marriage Act (1872) Amendment Act, 1891	Section 10
1895	XVI	The Amending Act, 1895	In the Second Schedule, Part I, the entry relating to Bombay Act II of 1876
1911	XV	The Indian Forest Amendment Act, 1911	Section 4 and clauses (*a*) and (*c*) of section 5
1914	IV	The Decentralization Act, 1914	In Part I of the Schedule— (1) the entries relating to— section 75 of Act VIII of 1873, section 14 of Act IX of 1874, sections 4 and 5 of Act XIII of 1880, section 4 of Act XII of 1887, section 55 of Act I of 1894, and sections 14 and 78 of Act XVI of 1908, (2) in the entry relating to section 36 of Act IX of 1874, the words "subject to the control of the Governor General in Council", (3) in the entry relating to section 36, sub-section (2), of Act XX of 1883, the words "Subject to the control of the", and (4) in the entry relating to section 55 of the same Act, the words from "and to the section" to the end of the entry
"	X	The Repealing and Amending Act, 1914	In the First Schedule, the entry relating to Act XV of 1872
1919	XVIII	The Repealing and Amending Act, 1919	In the Second Schedule, the entry relating to Act IV of 1912

(The Second Schedule)

Bombay Act

Year	No	Short title or subject	Extent of repeal
1888	IV	The City of Bombay Municipal Act, Amendment Act, 1888	Sections 2 and 3

Bengal Acts

1907	I	The Bengal Tenancy (Amendment) Act, 1907	Sub section (*3*) of section 36
1915	V	The Bengal Decentralization Act, 1915	In the Schedule, Part II, the entry relating to Bengal Act II of 1866 and the entry relating to section 78 A of Bengal Act IV of 1866

Eastern Bengal and Assam Act

1908	I	The Eastern Bengal and Assam Tenancy (Amendment) Act, 1908	Sub section (*3*) of section 36

Burma Act

1913	I	The Burma Land and Revenue (Amendment) Act, 1913	Sub section (*2*) of section 4.

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ACT No. XXXIX OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 14th September, 1920)

An Act to provide for the punishment of malpractices in connection with elections, and to make further provision for the conduct of inquiries in regard to disputed elections to legislative bodies constituted under the Government of India Act

WHEREAS it is expedient to provide for the punishment of malpractices in connection with elections, and to make further provision for the conduct of inquiries in regard to disputed elections to legislative bodies constituted under the Government of India Act, It is hereby enacted as follows —

PRELIMINARY

Short title and extent.

1. (*1*) This Act may be called the Indian Elections Offences and Inquiries Act, 1920, and

(*2*) It extends to the whole of British India

PART I

AMENDMENT OF THE INDIAN PENAL CODE AND CODE OF CRIMINAL PROCEDURE

Amendment of the Indian Penal Code

XLV of 1860

1. (*1*) In section 21 of the Indian Penal Code, after the tenth entry, the following shall be inserted, namely "*Eleventh* —Every person who holds any office in virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election", and after *Explanation 2*, the following shall be added, namely —

"*Explanation 3*—The word 'election' denotes an election for the purpose of selecting members of any

[*Price Three Annas*]

any legislative, municipal or other public authority, of whatever character, the method of selection to which is by, or under, any law prescribed as by election"

(2) After Chapter IX of the same Code the following Chapter shall be inserted, namely —

"CHAPTER IXA

Of offences relating to elections

"Candidate," "electoral right" defined

171A For the purposes of this Chapter—

(a) "candidate" means a person who has been nominated as a candidate at any election and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate thereat, provided that he is subsequently nominated as a candidate at such election,

(b) "electoral right" means the right of a person to stand, or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election

Bribery

171B (1) Whoever—

(i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right, or

(ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right,

commits the offence of bribery

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification

(3) A

(*3*) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward

Undue influence at elections

171C (*1*) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election

(*2*) Without prejudice to the generality of the provisions of sub-section (*1*), whoever—

(*a*) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or

(*b*) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (*1*)

(*3*) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section

Personation at elections

171D Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election

171E Whoever

Punishment for bribery

171E Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both

Provided that bribery by treating shall be punished with fine only

Explanation —'Treating' means that form of bribery where the gratification consists in food, drink, entertainment, or provision

Punishment for undue influence or personation at an election

171F Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both

False statement in connection with an election

171G Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine

Illegal payments in connection with an election.

171H Whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees

Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate

Failure to keep election accounts

171-I Whoever being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts

accounts shall be punished with fine which may extend to five hundred rupees"

V of 1898

3. (*1*) In section 196 of the Code of Criminal Procedure, 1898, after the words "Chapter VI" the words "or IX A" shall be inserted

XLV of 1860

(*2*) In Schedule II to the same Code after the entries relating to Chapter IX of the Indian Penal Code the following shall be added, namely — Amendment of the Code of Criminal Procedure

"CHAPTER IX A—OFFENCES RELATING TO ELECTIONS

171 E	Bribery	Shall not arrest without warrant	Summons	Bailable	Not compoundable	Imprisonment of either description for one year, or fine, or both or if treating only, fine only	Presidency Magistrate or Magistrate of the First Class
171 F	Undue influence and personation at an election	do	do	do	do	Imprisonment of either description for one year, or fine, or both	do
171 G	False statement in connection with an election	do	do	do	do	Fine	do
171 H	Illegal payments in connection with elections	do	do	do	do	Fine of 500 rupees	do
171 I	Failure to keep election accounts	do	do	do	do	Fine of 500 rupees	do"

PART II.

ELECTION INQUIRIES AND OTHER MATTERS

4. In this Part, unless there is anything repugnant in the subject or context,— Definitions

(*a*) "costs" means all costs, charges and expenses of, or incidental to, an inquiry,

(*b*) "election" means an election to either Chamber of the Indian Legislature or to a Legislative Council constituted under the Government of India Act,

(*c*) "inquiry" means an inquiry in respect of an election by Commissioners appointed for that purpose by the Governor General, Governor or Lieutenant-Governor,

(*d*) "pleader"

(*d*) "pleader" means any person entitled to appear and plead for another in a Civil Court, and includes an advocate, a vakil, and an attorney of a High Court

Powers of Commissioners

5. Commissioners appointed to hold an inquiry shall have the powers which are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters — V of 1908

(*a*) discovery and inspection,
(*b*) enforcing the attendance of witnesses, and requiring the deposit of their expenses,
(*c*) compelling the production of documents,
(*d*) examining witnesses on oath,
(*e*) granting adjournments,
(*f*) reception of evidence taken on affidavit, and
(*g*) issuing commissions for the examination of witnesses,

and may summon and examine *suo motu* any person whose evidence appears to them to be material, and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 V of 1898

Explanation—For the purposes of enforcing the attendance of witnesses, the local limits of the Commissioners' jurisdiction shall be the limits of the Province in which the election was held

Application of Act I of 1872 to inquiries

6. The provisions of the Indian Evidence Act, 1872, shall, subject to the provisions of this Act, be deemed to apply in all respects to an inquiry I of 1872.

Documentary evidence

7. Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence on the ground that it is not duly stamped or registered

Obligation of witness to answer any certificate of indemnity

8. (*1*) No witness shall be excused from answering any question as to any matter relevant to a matter in issue in an inquiry upon the ground that the answer to such question will criminate or may tend, directly or indirectly, to criminate him, or that

that it will expose, or tend, directly or indirectly, to expose him to a penalty or forfeiture of any kind

Provided that—

(*i*) no person who has voted at an election shall be required to state for whom he has voted, and

(*ii*) a witness who, in the opinion of the Commissioners, has answered truly all questions which he has been required by them to answer shall be entitled to receive a certificate of indemnity, and such certificate may be pleaded by such person in any Court and shall be deemed to be a full and complete defence to or upon any charge under Chapter IXA of the Indian Penal Code arising out of the matter to which such certificate relates, nor shall any such answer be admissible in evidence against him in any suit or other proceeding

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(*2*) Nothing in sub-section (*1*) shall be deemed to relieve a person receiving a certificate of indemnity from any disqualification in connection with an election imposed by any law or any rule having the force of law

Appearance by pleader

9. Any appearance, application or act before the Commissioners may be made or done by the party in person or by a pleader duly appointed to act on his behalf:

Provided that any such appearance shall, if the Commissioners so direct, be made by the party in person

Expenses of witnesses

10. The reasonable expenses incurred by any person in attending to give evidence may be allowed by the Commissioners to such person, and shall, unless the Commissioners otherwise direct, be deemed to be part of the costs

Costs and pleaders' fees, etc

11. (*1*) Costs shall be in the discretion of the Commissioners, and the Commissioners shall have full power to determine by and to whom and to what extent

extent such costs are to be paid and to include in their report all necessary recommendations for the purposes aforesaid The Commissioners may allow interest on costs at a rate not exceeding six per cent per annum, and such interest shall be added to the costs

(*2*) The fees payable by a party in respect of fees of his adversary's pleader shall be such fees as the Commissioners may allow

Execution of orders as to costs

12. Any order made by the Governor General or Governor or Lieutenant-Governor on the report of the Commissioners regarding the costs of the inquiry may be produced before the principal Civil Court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business, or, where such place is within the local limits of the ordinary original civil jurisdiction of a chartered High Court, before the Court of Small Causes having jurisdiction there, and such Court shall execute such order or cause it to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit

Disqualification of persons found guilty of election offences

13. Any person who has been convicted of an offence under section 171E or 171F of the Indian Penal Code or has been disqualified from exercising any electoral right, for a period of not less than five years, on account of malpractices in connection with an election shall be disqualified for five years from the date of such conviction or disqualification from— XLV of 1860.

(*a*) being appointed to, or acting in, any judicial office,

(*b*) being elected to any office of any local authority when the appointment to such office is by election, or holding or exercising any such office to which no salary is attached,

(*c*) being elected or sitting or voting as a member of any local authority, or

(*d*) being

(*d*) being appointed or acting as a trustee of a public trust

Provided that the Governor General, in the case of an election to the Council of State or the Legislative Assembly, and the Governor or the Lieutenant-Governor, in the case of an election to his Legislative Council, may exempt any such person from such disqualification

Maintenance of secrecy of voting.

14 (*1*) Every officer, clerk, agent or other person who performs any duties in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy

(*2*) Any person who wilfully acts in contravention of the provisions of this section shall be punished with imprisonment of either description for a term not exceeding three months or with fine, or with both

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THE ALIGARH MUSLIM UNIVERSITY ACT, 1920
(XL OF 1920).

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FOUNDATION MEMBERS OF THE FIRST COURT

ACT No. XL OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 14th September, 1920)

An Act to establish and incorporate a teaching and residential Muslim University at Aligarh.

WHEREAS it is expedient to establish and incorporate a teaching and residential Muslim University at Aligarh, and to dissolve the Societies registered under the Societies' Registration Act, 1860, which are respectively known as the Muhammadan Anglo-Oriental College, Aligarh, and the Muslim University Association, and to transfer to and vest in the said University all properties and rights of the said Societies and of the Muslim University Foundation Committee,

XXI of 1860

It is hereby enacted as follows —

Short title and commencement

1. (*1*) This Act may be called the Aligarh Muslim University Act, 1920

(*2*) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint

Definitions

2. In this Act, and in all Statutes made hereunder, unless there is anything repugnant in the subject or context,—

(*a*) "Academic Council" means the Academic Council of the University,

(*b*) "Court" means the Court of the University,

(*c*) "Executive Council" means the Executive Council of the University,

(*d*) "Hall"

(*d*) "Hall" means a unit of residence for students of the University, provided or maintained by the University,

(*e*) "registered graduates" means graduates registered under the provisions of this Act,

(*f*) 'Statutes," "Ordinances" and "Regulations" mean, respectively, the Statutes, Ordinances and Regulations of the University for the time being in force,

(*g*) "teachers" means Professors, Readers, Lecturers, Demonstrators and such other persons as may be appointed for imparting instruction in the University or a Hall, and

(*h*) "University" means the Aligarh Muslim University

The University

Incorporation

3. The First Chancellor, Pro-Chancellor and Vice-Chancellor who shall be the persons appointed in this behalf by a notification of the Governor General in Council in the Gazette of India, and the persons specified in the Schedule as the first members of the Court and all persons, who may hereafter become, or be appointed as, such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of the Aligarh Muslim University, and shall have perpetual succession and a Common Seal and shall sue and be sued by that name

Dissolution of the Muhammadan Anglo-Oriental College, Aligarh and the Muslim University Association, and transfer of all property to the University

4. From the commencement of this Act—

(*i*) The Societies known as the Muhammadan Anglo-Oriental College, Aligarh, and the Muslim University Association shall be dissolved, and all property, moveable and immoveable, and all rights, powers and privileges of the said Societies and all property, moveable and immoveable, and all

all rights, powers and privileges of the Muslim University Foundation Committee shall be transferred to and vest in the University and shall be applied to the objects and purposes for which the University is incorporated,

(*ii*) all debts, liabilities and obligations of the said Societies and Committee shall be transferred to the University and shall thereafter be discharged and satisfied by it,

(*iii*) all references in any enactment to either of the said Societies or to the said Committee shall be construed as references to the University,

(*iv*) any will, deed or other document, whether made or executed before or after the commencement of this Act, which contains any bequest, gift or trust in favour either of the said Societies or of the said Committee shall, on the commencement of this Act, be construed as if the University was therein named instead of such Society or Committee,

(*v*) subject to any orders which the Court may make, the buildings which belonged to the Muhammadan Anglo-Oriental College, Aligarh, shall continue to be known and designated by the names and styles by which they were known and designated immediately before the commencement of this Act,

(*vi*) subject to the provisions of this Act, every person employed immediately before the commencement of this Act in the Muhammadan Anglo-Oriental College, Aligarh, shall hold employment in the University by the same tenure and upon the same terms and conditions and with the same rights and privileges as to pension and gratuity as he would have held the same under

under the Muhammadan Anglo-Oriental College, Aligarh, if this Act had not been passed

Powers of the University

5. The University shall have the following powers, namely —

(1) to provide for instruction in such branches of learning as the University may think fit, and to make provision for research and for the advancement and dissemination of knowledge,

(2) to promote Oriental and Islamic studies and give instruction in Muslim theology and religion and to impart moral and physical training,

(3) to hold examinations and to grant and confer degrees and other academic distinctions to and on persons who—

(*a*) shall have pursued a course of study in the University, or

(*b*) are teachers in educational institutions,

under conditions laid down in the Statutes and Ordinances, and shall have passed the examinations of the University, under like conditions,

(4) to confer honorary degrees or other distinctions on approved persons in the manner laid down in the Statutes,

(5) to grant such diplomas to and to provide such lectures and instruction for persons, not being members of the University, as the University may determine,

(6) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine,

(7) to institute Professorships, Readerships, Lectureships and any other teaching posts required by the University, and to appoint persons to such Professorships, Readerships, Lectureships and posts,

(8) to institute and award Fellowships (including Travelling Fellowships), Scholarships, Exhibitions

tions and Prizes in accordance with the Statutes and the Ordinances,

(9) to institute and maintain Halls for the residence of students of the University,

(10) to demand and receive such fees and other charges as may be prescribed by the Ordinances,

(11) to supervise and control the residence and discipline of students of the University, and to make arrangements for promoting their health, and

(12) to do all such other acts and things whether incidental to the powers aforesaid or not as may be requisite in order to further the objects of the University as a teaching and examining body, to cultivate and promote arts, science and other branches of learning, including professional studies, technology, Islamic learning and Muslim theology, and to promote the interests of its students

Recognition of degrees

6. The degrees, diplomas and other academic distinctions granted or conferred to or on persons by the University shall be recognised by the Government as are the corresponding degrees, diplomas and other academic distinctions granted by any other University incorporated under any enactment

Reserve funds

7. The University shall invest and keep invested in securities in which trust funds may be invested in accordance with the law for the time being in force relating to trusts in British India a sum of thirty lakhs of rupees as a permanent endowment to meet the recurring charges of the University other than charges in respect of Fellowships, Scholarships, Prizes and rewards

Provided that—

(1) any Government securities as defined in the Indian Securities Act, 1920, which may be held by the University shall, for the purposes of this section, be reckoned at their face value, and

X of 1920

(2) the aforesaid sum of thirty lakhs shall be reduced by such sums as, at the commencement of this

this Act, the Governor General in Council shall, by order in writing, declare to be the total capitalised value, for the purpose of this section—

(*a*) of all permanent recurring grants of money which have been made either to the Muhammadan Anglo-Oriental College, Aligarh, the Muslim University Association or the Muslim University Foundation Committee, by any Ruler of a State in India, and

(*b*) of the total income accruing from immoveable property (not being land or buildings, in the occupation and use of the said College) which by the operation of this Act has been transferred to the University

University open to all races, creeds and classes

8. The University shall, subject to the provisions of this Act and the Ordinances, be open to all persons of either sex and of whatever race, creed or class

Provided that special provision may be made by the Ordinances exempting women from attending at public lectures and tutorial classes and prescribing for them special courses of study

Religious instruction.

9. The Court shall have power to make Statutes providing that instruction in the Muslim religion shall be compulsory in the case of Muslim students

Residence of students

10. Every student of the University shall reside either in a Hall or under such conditions as may be prescribed by the Ordinances

Teaching of the University

11. (*1*) All recognised teaching in connection with the University courses shall be conducted by and in the name of the University and shall include lecturing, laboratory work and other teaching conducted in the University by the teachers thereof in accordance with any syllabus prescribed by Regulations

(*2*) Recognised teaching shall also include tutorial instruction given in the University or, under the

the control of the University, in Halls provided that every student not residing in a Hall shall be attached to a Hall for such tutorial instruction and disciplinary supervision and for such other purposes as may be prescribed by the Ordinances

(*3*) The authorities responsible for organising such teaching shall be prescribed by the Statutes

(*4*) The courses shall be prescribed by the Ordinances

Power to provide and recognise Intermediate colleges and schools

12. (*1*) The University shall, subject to the Statutes, have power to establish and maintain Intermediate colleges and schools, within such limits in the Aligarh District as may be laid down in the Ordinances, for the purpose of preparing students for admission to the University, and may provide for instruction in the Muslim religion and theology in any such colleges and schools

(*2*) With the approval of the Academic Council and the sanction of the Governor General in Council on the recommendation of the Visiting Board, and subject to such conditions as may be prescribed by the Statutes and the Ordinances, the University may admit Intermediate colleges and schools in the Aligarh District to such privileges of the University as it thinks fit

The Lord Rector

The Lord Rector

13. (*1*) The Governor General shall be the Lord Rector of the University

(*2*) The Lord Rector shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories, and equipment, and of any institution maintained by the University, and also of the examinations, teaching and other work conducted or done by the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the University The Lord Rector shall in every case give notice to the University

sity of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to be represented thereat

(*3*) The Lord Rector may address the Vice-Chancellor with reference to the result of such inspection and inquiry, and the Vice-Chancellor shall communicate to the Court the views of the Lord Rector with such advice as the Lord Rector may be pleased to offer upon the action to be taken thereon

(*4*) The Court shall communicate through the Vice-Chancellor to the Lord Rector such action, if any, as it is proposed to take or has been taken upon the result of such inspection or inquiry

(*5*) Where the Court does not, within reasonable time, take action to the satisfaction of the Lord Rector, the Lord Rector may, after considering any explanation furnished or representation made by the Court issue such directions as he may think fit, and the Court shall comply with such directions

The Visiting Board

The Visiting Board.

14. (*1*) The Visiting Board of the University, if and when the United Provinces of Agra and Oudh become a Governor's Province within the meaning of the Government of India Act, shall consist of the Governor thereof, the members of the Executive Council, the Ministers, one member nominated by the Governor and one member nominated by the Minister in charge of Education

Provided that until a Governor's Province is so constituted, the Lieutenant-Governor of the said Provinces shall discharge and perform the duties of the Visiting Board

(*2*) The Visiting Board shall have the right through any of its members to inspect the University and to satisfy itself that the proceedings of the University are in conformity with the Act, Statutes and Ordinances The Visiting Board shall in every case give notice to the University of its intention to inspect,

inspect, and the University shall be entitled to be represented at such inspection

(*3*) The Visiting Board may, by order in writing, annul any proceedings not in conformity with the Act, Statutes and Ordinances, provided that before making any such order the Board shall call upon the University to show cause why such order should not be made, and if any cause is shown within reasonable time, shall consider the same

Rectors

15. The persons specified in the Statutes shall be the Rectors of the University Rectors

Officers of the University

16. The following shall be officers of the University— Officers of the University

(1) The Chancellor,
(2) The Pro-Chancellor,
(3) The Vice-Chancellor,
(4) The Pro-Vice-Chancellor, and
(5) Such other officers as may be declared by the Statutes to be officers of the University

17. (*1*) The successors to the first Chancellor shall be elected by the Court The Chancellor

(*2*) The Chancellor shall hold office for three years

(*3*) The Chancellor shall, by virtue of his office, be the head of the University

(*4*) The Chancellor shall, if present, preside at Convocations of the University held for conferring degrees and at meetings of the Court

(*5*) Every proposal for the conferment of an honorary degree shall be subject to the confirmation of the Chancellor

18. (*1*) The successors to the first Pro-Chancellor shall be elected by the Court The Pro-Chancellor

(*2*) The

(*2*) The Pro-Chancellor shall hold office for three years

(*3*) Casual vacancies in the office of the Pro Chancellor shall be filled by the Chancellor on the recommendation of the Executive Council The person so appointed shall hold office till the next annual meeting of the Court

(*4*) The Pro-Chancellor shall, in the absence of the Chancellor, exercise the functions of the Chancellor

The Vice Chancellor

19. (*1*) The successors to the first Vice-Chancellor shall be elected by the Court from among its members Every such election shall be subject to the approval of the Governor General in Council

(*2*) The Vice-Chancellor shall exercise such powers and perform such functions as may be prescribed by the Statutes

The Pro Vice Chancellor

20. (*1*) The Pro-Vice-Chancellor shall be appointed by the Court

(*2*) He shall hold office for such term and with such powers and subject to such conditions as may be prescribed by the Statutes

Other officers

21. The powers of officers of the University other than the Chancellor, the Pro-Chancellor, the Vice-Chancellor and the Pro-Vice-Chancellor shall be prescribed by the Statutes and the Ordinances

Authorities of the University

Authorities of the University

22. The following shall be the authorities of the University —

(1) The Court,
(2) The Executive Council,
(3) The Academic Council, and
(4) Such other authorities as may be declared by the Statutes to be authorities of the University

The Court

23. (*1*) The Court shall consist of the Chancellor, the Pro-Chancellor and the Vice-Chancellor for the time

time being, and such other persons as may be specified in the Statutes

Provided that no person other than a Muslim shall be a member thereof

(*2*) The Court shall be the supreme governing body of the University and shall exercise all the powers of the University, not otherwise provided for by this Act, the Statutes, the Ordinances and the Regulations It shall have power to review the acts of the Executive and the Academic Councils (save where such Councils have acted in accordance with powers conferred on them under this Act, the Statutes or the Ordinances) and direct that necessary action be taken by the Executive or the Academic Council, as the case may be on any recommendations of the Lord Rector

(*3*) Subject to the provisions of this Act, the Court shall exercise the following powers and perform the following duties, namely —

(*a*) of making Statutes and of amending or repealing the same,
(*b*) of considering Ordinances,
(*c*) of considering and passing resolutions on the annual report, the annual accounts and the financial estimates,
(*d*) of electing such persons to serve on authorities of the University and of appointing such officers as may be prescribed by this Act or the Statutes, and
(*e*) of exercising such other powers and performing such other duties as may be conferred or imposed upon it by this Act or the Statutes

The Executive Council

24. (*1*) The Executive Council shall be the executive body of the University Its constitution and the term of office of its members and its powers and duties shall be prescribed by the Statutes

The Academic Council

25. (*1*) The Academic Council shall be the academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances,

nances, have the control and general regulation of, and be responsible for the maintenance of standards of instruction, and for the education, examination, discipline and health of students, and for the conferment of degrees (other than honorary)

(*2*) The constitution of the Academic Council and the term of office of its members and its powers and duties shall be prescribed by the Statutes

Other authorities of the University

26. The constitution, powers and duties of such other authorities as may be declared by the Statutes to be authorities of the University, shall be prescribed by the Statutes

Statutes, Ordinances and Regulations

Power to make Statutes

27. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely —

(*a*) the conferment of honorary degrees and the appointment of Rectors,

(*b*) the institution of Fellowships, Scholarships, Exhibitions, Medals and Prizes,

(*c*) the terms of office, and the method and conditions of appointment of the officers of the University,

(*d*) the designations and powers of officers of the University,

(*e*) the constitution, powers and duties of the authorities of the University,

(*f*) the classification and mode of appointment of teachers of the University,

(*g*) the institution and maintenance of Halls,

(*h*) the constitution of provident and pension funds for the benefit of the officers, teachers and servants of the University,

(*i*) the maintenance of a register of registered graduates,

(*j*) the instruction of Muslim students in the Muslim religion and theology,

(*k*) the

(*k*) the establishment of Intermediate colleges and schools, and

(*l*) all matters which by this Act are to be or may be prescribed by Statutes

Statutes

28. (*1*) The first Statutes are those set out in the Schedule

(*2*) The first Statutes may be amended, repealed or added to by Statutes made by the Court in the following manner —

(*a*) The Executive Council may propose to the Court the draft of any Statute to be passed by the Court Such draft shall be considered by the Court at its next meeting The Court may approve such draft and pass the Statute, or may reject it or return it to the Executive Council for re-consideration either in whole or in part together with any amendments which the Court may suggest

(*b*) The Executive Council shall not propose the draft of any Statute affecting the status, powers or constitution of any existing authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal Any opinion so expressed shall be in writing and shall be considered by the Court

(*c*) No new Statute or amendment or repeal of an existing Statute shall have any validity until it has been submitted through the Visiting Board (which may record its opinion thereon) to the Governor General in Council and has been approved by the latter, who may sanction disallow or remit it for further consideration

Provided that no Statute dealing with the instruction of Muslim students in the Muslim religion and theology shall require to be so submitted or approved

29. Subject

Power to make Ordinances

29. Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely —

(*a*) the courses of study to be laid down for all degrees and diplomas of the University,

(*b*) the conditions of the award of Fellowships, Scholarships, Exhibitions, Medals and Prizes,

(*c*) the conditions under which students may be admitted to the degree or diploma courses and to the examinations of the University, and shall be eligible for degrees and diplomas,

(*d*) the admission of students to the University,

(*e*) the terms of office and terms and manner of appointment and the duties of Examining Bodies, Examiners, and Moderators and the conduct of examinations,

(*f*) the conditions of residence of students of the University, and the levying of fees for residence in Halls and of other charges,

(*g*) the conditions under which women may be exempted from attendance at lectures and tutorial classes, and the prescription for them of special courses of study,

(*h*) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University,

(*i*) the maintenance of discipline among the students of the University,

(*j*) the management of any Intermediate colleges or schools maintained by the University and the supervision of any Intermediate colleges and schools admitted to privileges under section 12; and

(*k*) all matters which by this Act or the Statutes are to be or may be provided for by Ordinances

30. (*1*) The

30. (*1*) The Executive Council or, in academic matters, the Academic Council may make Ordinances. Ordinances

(*2*) The first Ordinances shall be framed as directed by the Governor General in Council, and shall receive such previous approval as he may direct

(*3*) No new Ordinance, or amendment or repeal of an existing Ordinance shall have any validity until it has been submitted through the Court and the Visiting Board (which may record its opinion thereon) to the Governor General in Council, and has obtained the approval of the latter, who may sanction, disallow or remit it for further consideration

(*4*) If any question arises between the Executive and the Academic Council as to which has the power to make an Ordinance, either Council may represent the matter to the Visiting Board who shall refer the same to a tribunal consisting of three members, one of whom shall be nominated by the Executive Council, one by the Academic Council, and one shall be a Judge of a High Court nominated by the Lord Rector

31. (*1*) The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances— Regulations.

(*a*) laying down the procedure to be observed at their meetings and the number of members required to form a quorum,

(*b*) providing for all matters which by this Act, the Statutes or the Ordinances, are to be prescribed by Regulations, and

(*c*) providing for all other matters solely concerning such authorities or committees appointed by them not provided for by this Act, the Statutes and the Ordinances

(*2*) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meetings and

and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings

Admission and Examinations

Admission to the University

32. (*1*) Admission of students to the University shall be made by an Admission Committee consisting of the Pro-Vice-Chancellor, the Principal of an Intermediate College who shall be selected by the Vice-Chancellor and such other persons as may be appointed by the Academic Council

(*2*) Students shall not be eligible for admission to a course of study for a degree unless they have passed the Intermediate Examination of an Indian University incorporated by any law for the time being in force, or an examination recognised in accordance with the provisions of this section as equivalent to the Intermediate Examination, and possess such further qualifications as may be prescribed by the Ordinances

(*3*) The conditions under which students may be admitted to the diploma courses of the University shall be prescribed by the Ordinances

(*4*) The University shall not, save with the previous sanction of the Governor General in Council, recognise (for the purpose of admission to a course of study for a degree) as equivalent to its own degrees, any degree conferred by any other University or as equivalent to the Intermediate Examination of an Indian University, any examination conducted by any other authority

(*5*) Notwithstanding anything contained in this Act or the Ordinances, any student of the Muhammadan Anglo-Oriental College, Aligarh, who immediately before the commencement of this Act was studying for any examination of the Allahabad University higher than the Intermediate Examination shall be permitted to complete his course in preparation thereof The University shall provide for such students instruction in accordance with the prospectus of studies of the Allahabad University and,

and, notwithstanding anything contained in the Indian University Act, 1904, any such students may be admitted to the examinations of that University during a period not exceeding four years from the commencement of this Act

VIII of 1904

33. (*1*) All arrangements for the conduct of examinations shall be made, and all examiners shall be appointed by the Academic Council in such manner as may be prescribed by the Ordinances

Examinations

(*2*) At least one examiner who is not a member or a teacher of the University shall be appointed for each subject in a Department of Studies forming part of the course which is required for a University degree

(*3*) The Academic Council shall appoint examination committees, consisting of members of its own body or of other persons or of both, as it thinks fit, to moderate examination questions, to prepare the results of the examinations and to report such results to the Executive Council for publication

Annual Report and Accounts

34. The annual report of the University shall be prepared under the direction of the Executive Council, and shall be submitted to the Court on or before such date as may be prescribed by the Statutes, and shall be considered by the Court at its annual meeting The Court may pass resolutions thereon and communicate the same to the Executive Council which shall take such action thereon as it thinks fit

Annual Report

35. (*1*) The annual accounts and balance-sheet of the University shall be prepared under the direction of the Executive Council, and shall once at least every year and at intervals of not more than fifteen months be audited by auditors appointed by the Visiting Board

Annual accounts

(*2*) The annual accounts when audited shall be published in the Gazette of India and in the local official Gazette, and a copy of the accounts, together with the auditor's report, shall be submitted through the Visiting Board to the Lord Rector

(*3*) The

(*3*) The annual accounts and the financial estimates shall be considered by the Court at its annual meeting, and the Court may pass resolutions thereon and communicate the same to the Executive Council which shall take such action thereon as it thinks fit

Supplementary Provisions

Conditions of service of officers and teachers

36. (*1*) Every salaried officer and teacher of the University shall be appointed on a written contract, which shall be lodged with the University and a copy of which shall be furnished to the officer or teacher concerned

(*2*) Any dispute arising out of a contract between the University and any of its officers or teachers shall, at the request of the officer or teacher concerned, be referred to a tribunal of arbitration consisting of one member appointed by the Executive Council, one member nominated by the officer or teacher concerned and an umpire appointed by the Visiting Board The decision of the tribunal shall be final, and no suit shall lie in any Civil Court in respect of the matters decided by the tribunal Every such request shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Indian Arbitration Act, 1899, and all the provisions of that Act, with the exception of section 2 thereof, shall apply accordingly IX of 1899

Provident and pension funds

37. (*1*) The University shall constitute for the benefit of its officers, teachers and servants such provident and pension funds as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes

(*2*) Where such provident or pension fund has been so constituted, the Governor General in Council may declare that the provisions of the Provident Funds Act, 1897, shall apply to such fund, as if it were a Government provident fund IX of 1897

Filling of casual vacancies

38. (*1*) Subject to any provision in this Act and in the Statutes, the Executive Council shall appoint persons to fill casual vacancies in the offices of Vice-Chancellor and Pro-Vice-Chancellor. Persons so appointed

appointed shall hold office till the next meeting of the Court

(*2*) Subject to the provisions of sub-section (3) of section 18, other casual vacancies in any office of any authority shall be filled up by the authority which has power to appoint to the office or authority, provided that when the Court is the appointing authority the casual vacancy shall be filled by the Executive Council, and the person so appointed shall hold office till the next meeting of the Court

39. No act or proceeding of any authority of the University shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members

Proceedings of University authorities not invalidated by vacancies

40. (*1*) If any difficulty arsises with respect to the establishment of the University or any authority of the University or in connection with the first meeting of any authority of the University, the Governor General in Council may by order make any appointment or do anything which appears to him necessary or expedient for the proper establishment of the University or any authority thereof or for the first meeting of any authority of the University

Power to remove difficulties

(*2*) Any such order may modify the provisions of this Act and the Statutes so far as may appear to the Governor General in Council to be necessary or expedient for carrying the order into effect

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THE SCHEDULE

First Statutes of the University

(*See section 28*)

1 (*1*) The following persons shall be Rectors of the University, namely —

Rectors

(*i*) all Heads of Local Governments,

(*ii*) such Rulers of States in India, Princes, and other persons as the Lord Rector may, of his own motion or on the recommendation of the Court, appoint

(*2*) The

(2) The Chancellor may also, on the recommendation of the Academic Council, appoint persons of eminent position or attainments to be Rectors

The Vice Chancellor

2. The Vice-Chancellor shall hold office for three years and shall be eligible for re-election

Powers of the Vice Chancellor

3 (1) The Vice-Chancellor shall take rank in the University next to the Chancellor and the Pro-Chancellor, and shall be *ex-officio* Chairman of the Executive Council and the Academic Council and, in the absence of the Chancellor and the Pro-Chancellor, shall preside at Convocations of the University held for conferring degrees and at meetings of the Court

(2) It shall be the duty of the Vice-Chancellor to see that the Act, the Statutes, the Ordinances and the Regulations are duly observed, and he shall have all powers necessary for that purpose

(3) He shall have the power of convening meetings of the Court and the Executive Council and shall perform all such acts as may be necessary to carry out or further the provisions of the Act, the Statutes and the Ordinances

(4) If any emergency arises in which in his opinion immediate action should be taken, he shall take such action as he deems necessary and report the fact to the authority which in the ordinary course would have dealt with the matter

(5) He shall be the sole medium of communication between the University and the following authorities, namely, the Governor-General in Council, the Lord Rector and the Visiting Board

The Pro Vice Chancellor

4. (1) The Pro-Vice-Chancellor shall be the principal academic officer of the University and shall be a whole-time salaried officer thereof.

(2) He shall be an *ex-officio* member of the Executive Council and the Academic Council and, in the absence of the Vice Chancellor, shall preside at meetings of the Academic Council He shall also have power to convene meetings of the Academic Council

(3) He shall hold office for five years and be eligible for re-appointment.

The Treasurer

5 (1) The Treasurer shall be appointed by the Court on such conditions and for such period as the Court may think fit.

(2) He shall exercise general supervision over the funds of the University and advise in regard to its financial policy

(3) He

(*3*) He shall be an *ex-officio* member of the Executive Council and shall, subject to the control of the Executive Council, manage the property and investments of the University He shall be responsible for the presentation of the annual estimates and accounts

(*4*) Subject to the powers of the Executive Council, he shall be responsible for seeing that all moneys are expended on the purposes for which they are granted or allotted

(*5*) He shall exercise such other powers as may be prescribed by the Ordinances

6 (*1*) The Registrar shall be a whole-time paid officer of the University appointed by the Court — The Registrar

(*2*) He shall hold office for five years and shall be eligible for re-appointment

(*3*) The Registrar shall—

(*a*) be the custodian of the records, the seal and such other property of the University as is committed to his charge,

(*b*) keep and maintain the register of registered graduates,

(*c*) attend and act as Secretary at meetings of the Executive and Academic Council and, if deemed necessary, of the Departments of Studies and any committees appointed by such bodies, and to keep the minutes thereof,

(*d*) under the superintendence of the Academic Council and the examination committees arrange for and superintend the examinations of the University, and

(*e*) perform such other duties as may from time to time be prescribed by the Ordinances and Regulations

7. (*1*) The following officers shall be appointed by the Executive Council on the recommendation of the Academic Council — The Proctor and Librarian

(*i*) A Proctor for the maintenance of the discipline of the students of the University,

(*ii*) A Librarian for the University Library

(*2*) The Academic Council may delegate to the Proctor such of its powers as regards discipline as it thinks fit

8. The

The Court

8. The Court shall, subject to provisions hereinafter contained, consist of the following members.—

Class I —Ex-Officio members

The Chancellor, the Pro-Chancellor and the Vice-Chancellor for the time being shall be *Ex-Officio* Members

Class II —Foundation Members

The persons named in the Annexure to this Schedule shall be Foundation Members

Class III —Life Members

Every person who has contributed to the Muhammadan Anglo-Oriental College, Aligarh, the Muslim University Association or the Muslim University Foundation Committee a donation of one lakh of rupees or upwards or has transferred property of like value to any of the said institutions and all persons who shall hereafter make such a donation or transfer shall be a Life Member

Class IV —Ordinary Members

Ordinary Members shall be persons elected or appointed as follows —

(1) Ten persons to represent such States in India as have contributed or shall contribute one lakh of rupees and upwards, together with a permanent recurring grant, to or for the purposes of the University, who shall be nominated by such States

(2) Sixty persons to be elected by persons who have made or shall make donations of five hundred rupees and upwards to or for the purposes of the University

(3) Forty persons to be elected by the registered graduates of the University, of whom not less than twenty shall for the first fifteen years after the commencement of this Act be persons who have been educated at the Muhammadan Anglo-Oriental College, Aligarh, and are members of an Association recognised for that purpose by the Court

Persons to be eligible for election under this provision must be registered graduates of not less than ten years' standing.

(4) Twenty

(4) Twenty persons to be elected by the Central Standing Committee of the All-India Muhammadan Educational Conference from among its own members, not less than ten of whom shall be persons who have been engaged for at least five years in teaching

Provided that no person shall be qualified to vote in more than one electorate under any of the three last preceding clauses

(5) Ten persons to be nominated by the Chancellor

(6) Thirty-three persons to be elected by the Court, namely,—

(*i*) nine persons to represent Islamia Colleges and other Muslim educational institutions not under the control of the University,

(*ii*) fifteen persons engaged in the learned professions, and

(*iii*) nine persons learned in the Muslim religion and Oriental studies, and

(7) Fifteen persons to be elected by the Academic Council from among its own members

9. (*1*) The members provided for in Classes I, II, III and clause (1) of Class IV shall be the members of the first Court The First Court

(*2*) At the first meeting of the Court, which shall be held as soon as may be after the commencement of this Act, the thirty-three persons specified in clause (6) of class IV shall be elected

(*3*) The Academic Council shall elect its representatives at its first meeting

(*4*) Any member of the Court may be removed by a resolution, passed by a majority consisting of not less than two-thirds of the members of the Courts to the effect that—

(*i*) he has become incapable of performing his duties, or

(*ii*) he has acted against the interests of the University, or

(*iii*) he has been convicted by a Court of law of what, in the opinion of the Court, is a serious offence.

10 (*1*) Every Foundation Member of the Court shall, unless his office is previously vacated, hold office for five years from the commencement of this Act. Retirement of Foundation Members

(*2*) At

(*2*) At the end of the fifth, sixth, seventh and eighth years after the commencement of this Act, as nearly as may be, one-fifth in number of the total number of the Foundation Members remaining at the end of the fifth year, shall in each of these years resign, and at the end of the ninth year all the Foundation Members then remaining shall resign

(*3*) The order in which the Foundation Members shall resign shall be the reverse order to which their names appear in the Annexure to this Schedule

(*4*) A Foundation Member who is required to retire under the provisions of this clause shall be eligible for election as an Ordinary Member in a vacancy occurring after his retirement

Election of ordinary members

11 (*1*) After the fifth and subsequent annual meetings up to the ninth, there shall be annually appointed in accordance with the provisions of clauses (2) to (5) of Class IV the following number of Ordinary Members, namely —

In clause (2)		12
In clause (3)	.	8
In clause (4)	.	. 4
In clause (5)	.	. 2

(*2*) When an electoral body entitled to elect a member or members fails to do so within the time prescribed, the Court may elect any qualified person or persons of the class from which such electoral body was entitled to elect to be an Ordinary Member

General provisions as to Members of the Court

12. (*1*) All Ordinary Members shall hold office for five years from the date of their election

(*2*) Any casual vacancies among the nominated or elected members shall be filled, as soon as conveniently may be, by the person or body who nominated or elected the member whose place has become vacant, and the person nominated or elected to such vacancy shall be a member for the residue of the term for which the person in whose place he is nominated or elected was a member

(*3*) The Executive Council may, subject to the provisions of these Statutes, make rules prescribing the qualifications of the electors, the mode of election and other conditions to which the electors and the elected members shall be subject

Meetings of the Court

13. (*1*) The Court shall, on a date to be fixed by the Vice-Chancellor, meet once a year at a meeting to be called the annual meeting of the Court

(*2*) The

(2) The Vice-Chancellor may, whenever he thinks fit, and shall upon requisition in writing signed by not less than thirty members of the Court, convene a special meeting of the Court

(3) Twenty-five members shall form a quorum

14 (1) The Court may, by resolutions passed by a majority of not less than two-thirds of the members present and voting,— Powers in respect to granting and withdrawing degrees

(a) on the recommendation of the Academic Council through the Executive Council, make proposals to the Chancellor for the conferment of honorary degrees,

(b) on the recommendation of the Executive Council, withdraw any ordinary degree or diploma conferred by the University, and

(c) with the sanction of the Chancellor, withdraw any honorary degree

(2) In cases of urgency the Chancellor may, on the recommendation of the Executive Council alone, confer an honorary degree

15 (1) The Executive Council shall consist of not more than thirty members The Executive Council

(2) The Vice-Chancellor, the Pro-Vice-Chancellor, the Principal of an Intermediate College maintained by the University, who shall be selected by the Vice-Chancellor and the Treasurer, shall be *ex-officio* members of the Executive Council

(3) Six other members shall be elected by the Academic Council and twenty shall be elected by the Court, of whom not less than seven shall be residents of places outside the United Provinces of Agra and Oudh

(4) Elected members shall hold office for three years, provided that at the second annual meeting of the Court and at the third annual meeting of the Court six of the first members elected by it shall retire by ballot

(5) Eleven members of the Council shall form a quorum

(6) The Executive Council may make rules prescribing the mode of election and the conditions to which the elected members shall be subject

16. (1) The Executive Council shall, subject to the control of the Court and to the Act, the Statutes and the Ordinances, administer the revenue and property of the University, regulate the finances, accounts and investments and perform Powers of the Executive Council

perform all such duties and such acts as may be necessary for the business of the University

(2) (*a*) In particular the Executive Council shall have power to make and vary investments, purchase, accept and sell moveable or immoveable property, enter into and carry out or cancel contracts and appoint persons to execute and register the same,

(*b*) It shall maintain the buildings, premises, furniture and apparatus needed for the work of the University,

(*c*) It shall grant leave to officers, teachers and servants in accordance with the Ordinances and Regulations and, subject to the provisions of section 36 of the Act, deal with any grievances of any such officers, teachers or servants,

(*d*) It shall maintain a register of donors of the University,

(*e*) It shall maintain the University press,

(*f*) It shall on the recommendation of the Academic Council prescribe the fees and charges payable by students,

(*g*) It shall fix the fees and allowances of examiners, moderators and other persons engaged in the University examinations, and

(*h*) It shall be the managing body of any Intermediate college or school maintained by the University, and shall supervise any Intermediate colleges and schools admitted to privileges by the University

The Academic Council.

17 (*1*) The Academic Council shall consist of the following persons, namely —

(*i*) The Vice-Chancellor and Pro-Vice-Chancellor,
(*ii*) The Chairman of the Departments of Studies,
(*iii*) The Librarian and the Proctor,
(*iv*) Two persons elected by the Court,
(*v*) Two persons nominated by the Visiting Board, and
(*vi*) Five persons co-opted by the other members of the Council, two of whom at least shall be Heads of Halls, two Professors or Readers, and one a person not engaged in teaching in the University

(2) Eleven members of the Academic Council shall form a quorum

(3) Members other than *ex-officio* members shall hold office for three years

Powers of the Academic Council.

18 (*1*) The Academic Council shall—

(*i*) arrange and supervise the work of education in the University,

(*ii*) recommend

(*ii*) recommend to the Executive Council the creation and abolition of posts in the educational and tutorial staff,
(*iii*) subject to conditions imposed by any trust fix the time, mode and terms of competition for Fellowships, Scholarships, Studentships, Medals and Prizes and award the same,
(*iv*) conduct the examinations and publish the results thereof in the University Gazette,
(*v*) have entire charge of the discipline of the students in the University,
(*vi*) publish and revise lists of prescribed and recommended books, if any, and prescribe syllabuses in consultation with the Departments of Studies,
(*vii*) appoint a library committee with such powers as may be prescribed in the Ordinances, and
(*viii*) publish the University Gazette

(*2*) All decisions of the Academic Council as regards matters of discipline of students, syllabuses of studies and the conduct of examinations shall be final, with the exception of those which relate to the Departments of Theology whose proceedings shall be subject to the approval of the Executive Council

Departments of Studies

19. (*1*) There shall be Departments of Studies in the following branches of knowledge, namely —

(*i*) English language and literature,
(*ii*) History and Political Science,
(*iii*) Economics,
(*iv*) Philosophy and Psychology,
(*v*) Physics,
(*vi*) Chemistry,
(*vii*) Mathematics and Astronomy,
(*viii*) Geography,
(*ix*) Sunni Theology,
(*x*) Shia Theology,
(*xi*) Islamic Studies,
(*xii*) Arabic language and literature,
(*xiii*) Persian,
(*xiv*) Urdu,
(*xv*) Law

(*2*) As soon as circumstances permit, there shall also be Departments of Studies in the following branches of knowledge, namely:—

(*i*) Education,
(*ii*) Botany,
(*iii*) Zoology,

(*iii*) Zoology,
(*iv*) Agriculture,
(*v*) Medicine,
(*vi*) Commerce,
(*vii*) Technology, and
(*viii*) such other departments as the Court, on the recommendation of the Academic Council made through the Executive Council, may institute

(3) Each Department of Studies shall—

(*a*) consist of the teachers in the subject with which the Department is concerned provided that the Pro-Vice-Chancellor shall be an *ex-officio* member of each Department,

(*b*) have power to co-opt specialists not exceeding two in number, except in the case of the Department of Law, which shall co-opt four members, two of whom shall be Judges of a High Court,

(*c*) elect from among the Professors and Readers of the department its own Chairman who shall hold office for three years, but must resign if at any time he ceases to be a Professor or Reader,

(*d*) recommend to the Academic Council courses and syllabuses of studies and text-books for its subjects, and

(*e*) make recommendations to the Academic Council in respect of Fellowships, Scholarships and Studentships, Medals and Prizes in the subject with which it is concerned

(4) The Academic Council may assign teachers of cognate subjects to a Department of Study

Appointments

20 Subject to the general control of the Court, all appointments on the teaching staff shall be made by the Executive Council from a list of persons recommended as suitable therefor by a Committee of Appointment consisting of the Pro-Vice-Chancellor, the Chairman of the Department of Studies concerned and three other persons appointed by the Academic Council Other appointments unless otherwise provided for, shall be made by the Executive Council

Register of graduates

21. The register of registered graduates shall, subject to conditions prescribed by the Ordinances, contain the names of—

(1) the graduates of the University, and

(2) graduates

(2) graduates of other Universities who have been educated for at least two years at the Muhammadan Anglo-Oriental College, Aligarh,

separately entered therein

22 Convocations of the University for the conferring of degrees or for other purposes shall be held in such manner as may be prescribed by the Ordinances **Convocation.**

23 Any authority of the University may appoint such and so many standing or special committees as to it may seem fit, and may appoint to them persons who are not members of such authority Such committees may deal with any subject delegated to them, subject to subsequent confirmation by the authority appointing them **Committees.**

24 Where no provision is made for a president or chairman to preside over a meeting, authority or committee or when the president or chairman so provided for is absent, the members present shall elect one of their number to preside at the meeting **Acting President of meetings**

25 Any member of the Court, the Executive Council, the Academic Council or any other University authority or committee may resign by letter addressed to the Vice-Chancellor **Resignations**

26. Every officer of the University and every member of any authority whose term of office or membership has expired shall be eligible for re-appointment or re-election, as the case may be **Re election**

THE ANNEXURE

(*See section 8 of the First Statutes*)

FOUNDATION MEMBERS OF THE FIRST COURT

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1 The Hon'ble Nawab Mumtaz-ud-daula Sir Muhammad Faiyaz Ali Khan, K C I E, K C V O, C S I, C B E, of Pahasu, Bulandshahr
2 Saiyid Muhammad Mir, Esq, Pleader, Delhi
3 The Hon'ble Nawab Muhammad Muzammil-ullah Khan, Khan Bahadur, O B E, of Bhikampur, Aligarh
4 The Hon'ble Nawab Muhammad Abdul Majid, C I E, Barrister-at-Law, Allahabad

5 The

5 The Hon'ble Saiyid Mahomed Ali, Retired District and Sessions Judge, Aligarh
6 Shams-ul-ulama Saiyid Amjad Ali, M A, Sadiqpur, Patna
7 Nawab Imadul-Mulk Bahadur, Saiyid Husain Bilgrami, B A, C S I, Retired Director of Public Instruction, His Exalted Highness the Nizam's Government, Hyderabad State
8 Maulvi Nizam-ud-din Hasan, B A, B L, Advocate, Lucknow
9 Haji Muhammad Moosa Khan, Dataoli, Aligarh
10 Sahibzada Aftab Ahmad Khan, Barrister-at-Law, India Office, London
11 Muhammad Alaul Hasan, Esq, B A, Deputy Collector, Bijnor
12 Khwaja Sajjad Husain, Esq, B A, Panipat, Karnal
13 Nawabzada Saiyid Ashraf-ud-din Ahmad, Khan Bahadur, Barh, Patna
14 Sahibzada Sultan Ahmad Khan, M A, LL M, Barrister-at-Law, Appeals Member, Gwalior State
15 The Hon'ble Khwaja Yusuf Shah, Khan Bahadur, C I E, Amritsar
16 Nasrullah Khan, Esq, Barrister-at-Law, Surat
17 Saiyid Zain-ud-din, Khan Bahadur, M A, Officiating Collector, Mainpuri
18 Khan Muhammad Aslam Hayat Khan, Esq, Extra Assistant Commissioner, Punjab
19 Munshi Niaz Muhammad Khan, B A, Pleader, Jullundur
20 Maulvi Nazir Ahmad, B A, LL B, Jammu
21 The Hon'ble Mr Justice Muhammad Rafiq, Barrister-at-Law, High Court, Allahabad
22 Maulvi Muhammad Badrul Hasan, LL B, Retired Sub-Judge, Aligarh
23 Maulvi Muhammad Habibur-Rahman Khan Sharwani, Hyderabad State
24 Nawab Fateh Ali Khan Qizilbash, Khan Bahadur, C I E, Lahore
25 Saiyid Ahmed Ali, Esq, M A, Kamthana, Ujjain
26 Saiyid Muhammad Baqar Rizvi, Rampur State
27 Muhammad Abdus Salam Khan, Esq, Rampur State
28 Hakim Hafiz Muhammad Ajmal Khan, Delhi
29 Qazi Aziz-ud-din Ahmad, Khan Bahadur, O B E, I.S O, Judicial Secretary, Dholpore State
30 Shaikh

30 Shaikh Abdul Qadir, Khan Bahadur, B A , Barrister-at-Law, Lyallpur
31 Shaikh Abdullah, Esq , B A , LL B , Vakil, Aligarh
32 The Hon'ble Raja Sir Muhammad Tassaduq Rasul Khan, K C S I , of Jahangirabad, Bara-Banki.
33 The Hon'ble Raja Sir Muhammad Ali Muhammad, Khan Bahadur, K C I E , of Mahmudabad, Lucknow
34 Mirza Shujaat Ali Beg, Khan Bahadur, Calcutta
35 Ghulam Muhammad Munshi, Esq , Barrister-at-Law, Rajkote
36 Shaikh Wahid-ud-din, Khan Bahadur, Meerut
37 Maulvi Abdulla Jan, Ludhiana
38 The Hon'ble Mian Muhammad Shafi, Khan Bahadur, C I E , Member of the Governor General's Executive Council, Simla
39 Saiyid Tufail Ahmad, Sub-Registrar, Aligarh
40 Saiyid Nabi-ullah, Esq , Barrister-at-Law, Lucknow
41 Saiyid Jafar Husain, Khan Bahadur, Lucknow
42 Nawab Bahadur, Nawab Muhammad Abdus Samad, Khan Bahadur, of Talibnagar and Chhitari, Aligarh
43 Maulvi Sir Rahim Bakhsh, K C I E , President, Council of Regency, Bhawalpur State
44 The Hon'ble Nawab Saiyid Nawab Ali Chaudhri, Khan Bahadur, C I E , Calcutta
45 Muhammad Akbar Nazar Ali Hydari, Esq , B A , Secretary to H E H the Nizam's Government in the Judicial, Police and General Departments, Hyderabad State
46 The Hon'ble Mr Justice Saiyid Muhammad Abdul Raoof, Khan Bahadur, Barrister-at-Law, High Court, Lahore
47 Razzaq Bakhsh Qadri, Esq , Barrister-at-Law, Aligarh
48 Shaikh Ghulam Sadik, Khan Bahadur, Amritsar
49 Yaqub Hasan, Esq , Madras
50 Maulvi Naseer Husain Khan "Khayal," Calcutta
51 Malik Badr-ud-din Ghulam Husain, Khan Bahadur, Nagpur
52 Saiyid Muhammad Sharf-ud-din, Esq , Barrister-at-Law, Patna
53 Saiyid Ali Hasan Khan, Lucknow
54 The Hon'ble Sir Abdul Karim Abdul Shakur Jamal, Kt , C I E , Merchant, Burma

55 Maulvi

55 Maulvi Muhammad Habib-ullah Khan, B A , Deputy Collector, Aligarh
56 Munshi Sarfaraz Khan, Sub-Registrar, Muzaffar-nagar
57 Major Nawabzada Haji Hafiz Muhammad Obeidulla Khan, C S I , Commander-in-Chief, Bhopal State Forces, and Honorary A -D -C to H E the Viceroy
58 The Hon'ble Sir Fazulbhoy Currimbhoy Ebrahim, Kt , C B E , Bombay
59 Nawab Muhammad Ahmad Said Khan, M B E , of Chhitari, Bulandshahr
60 Amir Mustafa Khan, Esq , Aligarh
61 The Hon'ble Sir Ibrahim Rahimtoola, Kt , C I E , Member of the Governor's Executive Council, Bombay
62 Saiyid Hasan Imam, Esq , Barrister-at-Law, Patna
63 Nawab Sarbuland Jang Bahadur Muhammad Hameed-ullah Khan, Barrister-at-Law, (Retired Chief Justice, Hyderabad State), Allahabad
64 Ghulam Ahmad Khan Kalami, Esq , Coromandel, Kolar Gold Fields
65 Munshi Muhammad Israr Hasan Khan, Khan Bahadur, C I E , Judicial Minister, Bhopal State
66 Honorary Captain Nawab Malik Muhammad Mubariz Khan Tiwana, C B E , of Shahpur
67 Abdul Majid Khwaja, Esq , Barrister-at-Law, Patna
68 Kasim Ali Jirajbhai, Esq , Poona
69 Haji Muhammad Swaleh Khan of Bhikampur, Aligarh
70 Saiyid Ross Masood, Esq , B A , Director of Public Instruction, Hyderabad State
71 Ibni Ahmad, Esq , Barrister-at-Law, Allahabad
72 Maulvi Mohammad Ibrahim, Wazir, Khairpur State.
73 Maulvi Siraj Ahmad, M A , Extra Assistant Commissioner, Saugor
74 The Hon'ble Justice Sir Abd-ur-rahim, Kt , M A , Barrister-at-Law, High Court, Madras
75 Saiyid Wazir Hasan, B A , LL B , Officiating Additional Judicial Commissioner, Lucknow
76 Shaukat Ali, Esq , Rampur State
77 Maulvi Muhammad Yakoob, Pleader, Moradabad
78 Ashanul Haq, Esq , Barrister-at-Law, Sialkot
79 The Hon'ble Nawab Justice Sir Saiyid Shamsul Huda, K C I E , High Court, Calcutta

80 Mukhtar

80 Mukhtar Ahmad Ansari, Esq, M D, M S, M R C S, Delhi
81 Muhammad Ali Jinnah, Esq, Barrister-at-Law, Bombay
82 Mazhar-ul-Huq, Esq, Barrister-at-Law, Patna.
83 Maulvi Muhammad Bashir-ud-din, Khan Bahadur, Etawah
84 The Hon'ble Saiyid Riza Ali, B A, LL B, Allahabad
85 Nazir-ud-din Hasan, Esq, M A, LL D, Sessions Judge, Aurangabad, Hyderabad State
86 Munshi Nisar Husain, Deputy Magistrate, Irrigation Department, Aligarh
87 Shaikh Muhammad Wajih, Deputy Collector, Bulandshahr
88 Zahoor Ahmad, Esq, Barrister-at-Law, Allahabad
89 Raja Saiyid Abu Jafar, C I E, of Pirpur, Fyzabad
90 Sir Saiyid Ali Imam, K C S I, Hyderabad State
91 The Hon'ble Khan Sir Zulfikar Ali, Khan, Kt., C S I, of Maler Kotla, Lahore
92 Dr Said-uz-Zafar Khan, M B, Ch B, D T M, Professor, King George's Medical College, Lucknow
93 Munshi Muhammad Akram Khan, B A, Deputy Superintendent of Police, Gorakhpur
94 Maulvi Abdul Ahad, Khan Bahadur, Delhi
95 Hafiz Muhammad Haleem, Khan Bahadur, Cawnpore
96 Shah Munir Alam, B A, LL B, Sub-Judge, Gorakhpur
97 Mumtaz Husain, Esq, Barrister-at-Law, Lucknow
98 Shamshad Ahmad Khan, Esq, Barrister-at-Law, Aligarh
99 Shaikh Muhammad Musanna, Khan Sahib, B A, Deputy Collector, Benares
100 Qazi Makhdum Husain, Retired Deputy Collector, Saharanpur.
101 Muhammad Ismail Khan, Esq, Barrister-at-Law, Meerut
102 The Hon'ble Saiyid Al-i-Nabi, Khan Bahadur, B A, LL B, Agra
103 Tassaduq Ahmad Khan, Sharwani, Esq, Barrister-at-Law, Aligarh
104 Abul Hasan, Esq, B A, Inspector of Schools, Jhansi

105 Nawabzada

105 Nawabzada Haji Muhammad Hamidullah Khan, B A, Chief Secretary to H H the Ruler of Bhopal
106 Munshi Abdul Hamid Khan, Khan Bahadur, Deputy Collector, Bara-Banki
107 Sir Sahibzada Nawab Abdul Qaiyum, Khan Bahadur, K C I E, Peshawar
108 Nawab Nazir Jang Bahadur Mirza Nazir Beg, Military Secretary, H E H the Nizam's Government, Hyderabad State
109 Maulvi Zafar Umar, B A, Deputy Superintendent of Police, Agra
110 The Hon'ble Mian Fazl-i-Hussain, Khan Bahadur, M A, Barrister-at-Law, Lahore
111 Saiyid Sajjad Haidar, B A, Deputy Collector, Sultanpur
112 Mirza Zulqadr Jang Bahadur, M A, (Cantab), Barrister-at-Law, Lucknow
113 Dr Saiyid Mahmud, Barrister-at-Law, Patna
114 The Hon'ble Maulvi Abul Kasim Fazl-ul-Haq, M A, B L, Vakil, Calcutta
115 Maulvi Abdul Haq, B A, Aurangabad
116 Qassim Hussain, Esq, 2nd Tallaqdar, Division Bedar, Hyderabad State
117 Mauzzam Ali Khan, Esq, Barrister-at-Law, Moradabad
118 Agha Muhammad Safdar, B A, LL B, Vakil, Sialkot
119 Mian Haq Nawaz, B A, LL B, Lahore
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ACT No. XLI OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 16th September, 1920)

An Act to provide for the installation of Wireless Telegraphy on ships registered in British India and for other purposes

WHEREAS it is expedient to provide for the installation of wireless telegraphy on ships registered in British India, and for other purposes, It is hereby enacted as follows —

Short title, extent and commencement

1. (*1*) This Act may be called the Indian Wireless Telegraphy (Shipping) Act, 1920

(*2*) It extends to the whole of British India

(*3*) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, direct

Definitions.

2. (*1*) In this Act unless there is anything repugnant in the subject or context,—

(*a*) "passenger steamer" means a steamer which carries more than twelve passengers,

(*b*) "prescribed" means prescribed by rules made under this Act, and

(*c*) "registered in British India" means registered in British India under the Merchant Shipping Acts, 1894 to 1916 or under any Act of the Governor General in Council for the time being in force providing for the registration of ships

57 and 58 Vic c 60

(*2*) All words and expressions used in this Act and defined in the Merchant Shipping Acts, 1894 to 1916, and not hereinbefore defined, shall be deemed to have the same meanings respectively attributed to them by those Acts

57 and 58 Vic c 60

Wireless telegraphy requirements

3. (*1*) Every sea-going British ship registered in British India, being a passenger steamer or a ship of sixteen hundred tons gross tonnage or upwards shall

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shall be provided with a wireless telegraph installation of the prescribed description and shall maintain a wireless telegraph service of the prescribed nature and shall be provided with such certificated operators and watchers as may be prescribed

Provided that the Governor General in Council may, by notification in the Gazette of India, exempt from the obligations imposed by this Act any ships or classes of ships if he is of opinion that, having regard to the nature of the voyages on which the ships are engaged, or other circumstances of the case, the provision of a wireless telegraph installation is unnecessary or unreasonable

(*2*) If this section is not complied with in the case of any such ship, the master or owner of the ship shall be punishable in respect of each offence with a fine which may extend to one thousand rupees

Appointment and powers of wireless telegraphy inspectors

4. (*1*) The Governor General in Council may appoint officers (hereinafter referred to as wireless telegraphy inspectors) for the purpose of seeing that the requirements of this Act are complied with on board any ship

(*2*) A wireless telegraphy inspector may inspect any ship for the purpose of seeing that she is properly provided with a wireless telegraph installation and certificated operators and watchers in conformity with this Act, and for this purpose may go on board any ship at all reasonable times and do all things necessary for the proper inspection of the ship for the purpose of this Act, and may also require the master of the ship to supply him with any information which it is in the power of the master to supply for that purpose, including the production of any certificate granted under this Act in respect of the installation, and of the certificates of the operators and watchers on the ship

(*3*) If a wireless telegraphy inspector finds that a ship is not so provided, he shall give to the master or owner notice in writing pointing out the deficiency, and also pointing out what in his opinion is requisite to remedy the same

(*4*) Every notice given under sub-section (*3*) shall be communicated, in the prescribed manner, to the Chief Officer of Customs of any port at which the ship

ship may seek to obtain port-clearance, who shall order that the ship shall be detained until a certificate under the hand of a wireless telegraphy inspector is produced to the effect that the ship is properly provided with a wireless telegraph installation and certified operators and watchers in conformity with this Act

Application to ships other than British ships registered in India

5. The provisions of this Act shall, as from a date three months after the commencement of this Act, apply to ships other than British ships registered in British India while they are within any port in British India in like manner as they apply to British ships registered in British India

Power to make rules

6. (*1*) The Governor General in Council may make rules to carry out the purposes of this Act

(*2*) In particular and without prejudice to the generality of the foregoing power such rules may prescribe—

(*a*) the nature of the wireless telegraph installation to be provided and of the service to be maintained, and the number, grades and qualifications of certified operators and watchers to be carried

Provided that no ship shall be required to carry more than one operator, unless more than one operator would have been required under the provisions of the Merchant Shipping (Convention) Act, 1914,

4 and 5 Geo V c 50

(*b*) the manner in which a notice given under sub-section (*3*) of section 4 shall be communicated to the Chief Officer of Customs.

(*3*) Rules made under this section shall be published in the Gazette of India and shall thereupon have effect as if enacted in this Act

Wireless telegraphy inspector a public servant

7. A wireless telegraphy inspector appointed under this Act shall be deemed to be a public servant within the meaning of the Indian Penal Code

XLV of 1860

Protection to persons acting under Act

8. No suit or other legal proceeding shall lie against any person for anything done or in good faith intended to be done under this Act

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ACT No. XLII OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL].

(Received the assent of the Governor General on the 16th September, 1920)

An Act further to amend the Indian Companies Act, 1913

VII of 1913 WHEREAS it is expedient further to amend the Indian Companies Act, 1913, It is hereby enacted as follows —

Short title

1. This Act may be called the Indian Companies (Amendment) Act, 1920

Amendment of section 91-B of Act VII of 1913

VII of 1913 **2.** To section 91B of the Indian Companies Act, 1913, the following sub-section shall be added, namely —

"(*3*) This section shall not apply to a private Company"

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[*Price One Anna*]

ACT No. XLIII OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 16th September, 1920)

An Act further to amend the Presidency Banks Act, 1876

WHEREAS it is expedient further to amend the Presidency Banks Act, 1876, It is hereby enacted as follows —

XI of 1876

1. This Act may be called the Presidency Banks (Amendment) Act, 1920 Short title

2. In clause (1) of paragraph (*a*) of section 36 of the Presidency Banks Act, 1876, after the words "the Government of India" the words "the Government of Bombay" shall be inserted. Amendment of section 36 of Act XI, 1876

XI of 1876

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[*Price One Anna*]

ACT No. XLIV OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 16th September, 1920)

An Act further to amend the Indian Income-tax Act, 1918

VII of 1918 WHEREAS it is expedient further to amend the Indian Income-tax Act, 1918, It is hereby enacted as follows —

Short title

1. This Act may be called the Indian Income-tax (Amendment No 2) Act, 1920

Amendment of section 8 of Act VII, 1918

VII of 1918 **2.** The following amendment shall be made in section 8 of the Indian Income-tax Act, 1918 (hereinafter referred to as the said Act), namely —

Before the words "house property" where they occur for the second time the word "residential" shall be inserted, and the words and figure "and section 9" shall be omitted, and in the proviso to the same section for the words "house property" the words "the property" shall be substituted

Amendment of section 9 of Act VII, 1918

3. In sub-section (*2*), clause (*i*) of section 9 of the said Act the words "or where the premises are owned by the assessee the *bonâ fide* annual value thereof" shall be omitted, and in clause (*v*) of the same sub-section the word "such" shall be inserted before the word "buildings", and in clause (*viii*) of the same sub-section for the word "premises" the words "such part of the premises as is used for the purposes of the business" shall be substituted.

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[*Price One Anna*]

Substitution of new section for section 7 of Act II, 1910

6. For section 7 of the principal Act the following shall be substituted, namely :—

Subordination of Officers.

"7 For the purposes of this Act—

(*a*) Deputy Controllers of the Currency shall be subordinate to the Controller; and

(*b*) the Currency Agent at any town shall be subordinate to the Deputy Controller of the Currency for the circle of issue in which that town is situate"

Amendment of sections 9, 10, 23, 24 and 25 of Act II, 1910.

7. In sections 9, 10, 23, 24 and 25 of the principal Act, for the words "Head Commissioner" wherever they occur, the word "Controller" shall be substituted.

Further amendment of sections 9 and 10 of Act II, 1910

8 (*1*) In sections 9 and 10 of the principal Act, for the word "Commissioners" wherever it occurs, the words "Deputy Controllers" shall be substituted.

(*2*) In sub-section (*1*) of section 9 of the principal Act the words "and the Currency Agents subordinate to him" shall be omitted.

Amendment of section 11 of Act II, 1910.

9 In clause (*a*) of section 11 of the principal Act, the word "silver" shall be inserted before the word "half-rupees."

Amendment of section 13 of Act II, 1910.

10 In section 13 of the principal Act, the following amendments shall be made, namely :—

(*a*) for the word "Comptroller-General" the word "Controller" shall be substituted; and

(*b*) for the figures "7·53344" the figures "11·30016" shall be substituted.

Amendment of section 19 of Act II, 1910.

11. In section 19 of the principal Act, the following amendments shall be made, namely :—

(*a*) to the opening words shall be prefixed the following words, namely, "Save as hereinafter provided in section 19-A,"

(*b*) the word "silver" shall be inserted before the word "half-rupees,"

(*c*) for the words "Government of India" the words "revenues of India" shall be substituted,

(*d*) in

(*d*) in the first proviso, for the words "any denominational value not exceeding" the words "the denominational value of fifty or" shall be substituted, and

(*e*) the following shall be substituted for the second proviso —

"Provided further that all notes which are declared under the first proviso to this section not to be in circulation shall be deemed to have been issued on the credit of the revenues of India and shall, if subsequently presented for payment, be paid from such revenues"

Paper Currency Reserve

12. (*1*) A Reserve shall be maintained for the satisfaction and discharge of the currency notes in circulation and all such notes shall be deemed to have been issued on the credit of the revenues of India as well as on that of the Reserve.

(*2*) The Reserve shall consist of two parts, namely :—

(*a*) the metallic Reserve, and

(*b*) the securities Reserve.

(*3*) The metallic Reserve shall consist of the total amount represented by the sovereigns, half-sovereigns, rupees, silver half-rupees, and gold and silver bullion for the time being held on that account by the Secretary of State for India in Council and by the Governor General in Council.

Provided that no amount of gold coin and bullion held by the Secretary of State in the United Kingdom in excess of fifty millions of rupees in value reckoned at the rate hereinafter provided for shall be included in the metallic Reserve.

(*4*) The securities Reserve shall consist of the securities which are for the time being held on that account by the Secretary of State for India in Council and on behalf of the Governor General in Council:

Provided

Provided that—

(*a*) no securities held by the Secretary of State for India in Council, other than securities of the United Kingdom the date of maturity of which is not more than one year from the date of their purchase, shall be included in the securities Reserve; and

(*b*) the securities held on behalf of the Governor General in Council shall be securities of the Government of India and shall not exceed in amount two hundred millions of rupees, of which an amount of not more than one hundred and twenty millions of rupees may be securities created by the Government of India and issued to the Controller (such securities being hereinafter referred to as created securities).

(*5*) For the purposes of this section the expression "currency notes in circulation" means the whole amount of currency notes at any time in circulation:

Provided that currency notes which have not been presented for payment, in the case of notes of the denominational value of fifty or one hundred rupees, within forty years, and in the case of notes of any denominational value exceeding one hundred rupees, within one hundred years, from the first day of April following the date of their issue, shall be deemed to be not in circulation:

Provided further that all such notes shall be deemed to have been issued on the credit of the revenues of India and shall, if presented for payment, be paid from such revenues.

(*6*) Save as hereinafter provided in section 19-A the amount of currency notes in circulation at any time shall not exceed the amount of the metallic Reserve together with the amount of the securities Reserve:

Provided that it shall not be lawful for the Governor General in Council to direct the issue of currency notes, if or to the extent that such issue would

would have the effect of raising the amount of notes in circulation to an amount in excess of twice the amount for the time being of the metallic Reserve.

(7) For the purpose of determining—

(*a*) the amount of the metallic Reserve, gold bullion shall be reckoned at the rate of one rupee for 11 30016 grains troy of fine gold, and silver bullion at the price in rupees at which it was purchased,

(*b*) the amount of the securities Reserve, purchased securities shall be reckoned at the price at which they were purchased and created securities at the market price of similar securities on the date of their issue.

(8) The foregoing provisions of this section shall not come into operation until such day (hereinafter referred to as the appointed day) as the Governor General in Council may direct in this behalf.

(9) As soon as conveniently may be after the relation of the amount of the currency notes in circulation to the amount of the Reserve has been brought into conformity with sub-sections (*1*) to (*7*) of this section and the metallic Reserve is not less than half the amount of currency notes in circulation, the Governor General in Council shall fix the appointed day, and thereupon the following amendments shall be made in the principal Act and this Act, namely:—

(*i*) sub-sections (*1*) to (*7*) of this section shall be substituted as a new section 19 for the existing section 19 of the principal Act;

(*ii*) sections 14 and 22 of the principal Act shall be omitted, and in section 23 of the principal Act for the words "purchased by the Governor General in Council shall be securities of the Government of India and" the words "of the Government of India in the Reserve" shall be substituted; and

(*iii*) section 11 of this Act shall be omitted.

13. Until

Temporary provisions

13. Until the provisions of section 12 of this Act are brought into operation, the following provisions shall be in force, but shall, as from the appointed day, be deemed to be repealed, namely.—

(*1*) Section 22 of the principal Act shall be construed as if for the words "one hundred and forty millions" in that section the words "eight hundred and fifty millions" were substituted, and as if the proviso to that section were omitted.

(*2*) Notwithstanding anything to the contrary in the principal Act, any securities created by the Government of India and issued to the Controller shall, for the purposes of the principal Act, be deemed to be securities purchased by the Governor General in Council, and the market price on the day such securities were so issued of similar securities shall be deemed to be the price at which the securities so created were purchased, and all references to securities so purchased, wherever occurring in the principal Act, shall be deemed also to refer to securities so created, and all references to sums expended in such purchases or to prices paid therefor shall be deemed, in the case of securities so created, to refer to such prices, and the principal Act shall be construed accordingly

(*3*) As long as the value of securities created by the Government of India and issued to the Controller and deemed in accordance with the provisions of clause (2) of this section to be securities purchased by the Governor General in Council exceeds one hundred and twenty millions of rupees, all interest derived from the securities in the Reserve shall, with effect from the first day of April 1921, be applied in reduction of such excess holding of securities and the Auditor-General shall in every year grant a certificate of the amount of such interest and shall also certify whether or not it has been so applied. For the purposes of this clause securities so created and issued shall be deemed to carry interest at the same rate as other similar securities.

14. After

14. After section 19 of the principal Act the following section shall be inserted, namely :— Insertion of new section 19-A in Act II, 1910.

"19-A. Notwithstanding anything to the contrary in section 19, the Governor General in Council may authorise the Controller to issue currency notes to an amount in all not exceeding fifty millions of rupees against bills of exchange which will mature within ninety days from the date of such issue and satisfy such other conditions as the Governor General in Council may, by general or special order, prescribe. Currency notes so issued shall be in addition to those against which the Reserve is held and shall be deemed to have been issued on the credit of such bills and of the revenues of India and shall, when presented, be paid from such revenues" Power to issue currency notes against bills of exchange.

15. For section 21 of the principal Act, the following shall be substituted, namely :— Substitution of new section for section 21 of Act II, 1910.

"21. Notwithstanding anything to the contrary in this Act, any coin or bullion which is held by or on behalf of the Secretary of State for India in Council in the United Kingdom or under the control of the Government of any part of His Majesty's Dominions for the purpose of coinage for, or transmission to, the Governor General in Council and any coin or bullion which is in course of transmission from the Secretary of State for India in Council or the Government of any part of His Majesty's Dominions to the Governor General in Council and any coin or bullion which is in the course of transmission from the Governor General in Council to the Secretary of State for India in Council or the Government of any part of His Majesty's Dominions shall be deemed, during the period such coin or bullion is so held or is so in course of transmission, to be part of the Reserve referred to in section 19." Coin or bullion not in India when deemed to be part of the Reserve.

16. In section 28 of the principal Act, the following amendments shall be made, namely :— Amendment of section 28 of Act II, 1910.

(*i*) for the words "Department of Paper Currency" the words "Currency Department" shall be substituted ;

(*ii*) in

(*ii*) in clause (*b*) after the words "held by" the words "or on behalf of" shall be inserted;

(*iii*) after clause (*c*) the following clause shall be inserted.—

"(*d*) the amount of currency notes issued against bills of exchange under the provisions of section 19-A;" and

(*iv*) for the words "Head Commissioner," the word "Controller" shall be substituted.

Insertion of new section 28-A. in Act II, 1910 Provision as to lost, mutilated and imperfect notes.

17. After section 28 of the principal Act the following section shall be inserted, namely:—

"28-A. Notwithstanding anything contained in any enactment or rule of law to the contrary, no person shall as of right be entitled to recover from the Government of India the value of any lost, mutilated or imperfect currency note:

Provided that the Governor General in Council may by rule prescribe the circumstances, conditions and limitations under which the value of such notes may be refunded as of grace"

Amendment of section 29, Act II, 1910.

18. For clause (*d*) of sub-section (2) of section 29 of the principal Act, the following clause shall be substituted, namely:—

"(*d*) prescribe the circumstances, conditions and limitations under which the value of lost, mutilated and imperfect currency notes may be refunded at the office of issue."

Repeal.

19. The Indian Paper Currency (Temporary Amendment) Act, 1920, is hereby repealed. XXI of 1910

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ACT No. XLVI OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 17th September, 1920)

An Act to enable Cutchi Memons to be governed in matters of succession and inheritance by the Muhammadan law.

WHEREAS it is expedient to enable those Cutchi Memons who so desire to be governed in matters of succession and inheritance by the Muhammadan law; It is hereby enacted as follows —

1. This Act may be called the Cutchi Memons Act, 1920 Short title

2. Any Cutchi Memon who— Power to make a declaration

(*a*) has attained the age of majority, and

(*b*) is resident in British India,

may by declaration in the prescribed form and filed before the prescribed authority declare that he desires to obtain the benefit of this Act, and thereafter the declarant and all his minor children and their descendants shall in matters of succession and inheritance be governed by the Muhammadan law.

3. (*1*) The Local Government may make rules prescribing the authority before whom and the form in which the declarations under this Act shall be made. Rule-making power of Local Governments.

(*2*) Rules made under the provisions of this section shall be published in the local official Gazette and shall thereupon have effect as if enacted in this Act.

[*Price one anna and three pies*]

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THE IMPERIAL BANK OF INDIA ACT, 1920
(XLVII of 1920).

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[*Price ten annas.*]

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ACT No. XLVII OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 19th September 1920

An Act to constitute an Imperial Bank of India and for other purposes

WHEREAS it is expedient to constitute an Imperial Bank of India and to transfer to the Bank so constituted the undertaking of each of the Presidency Banks and to dissolve those Banks and to make provision for the regulation and management of the Imperial Bank of India, It is hereby enacted as follows —

Short title and commencement

1. (*1*) This Act may be called the Imperial Bank of India Act, 1920.

(*2*) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "appointed day" means such day as the Governor General in Council may appoint for the commencement of this Act,

(*b*) "the Bank of Bengal," "the Bank of Madras" and "the Bank of Bombay" mean, respectively, those Banks as constituted by the Presidency Banks Act, 1876;

XI of 1876

(*c*) "dividend" includes bonus;

(*d*) "general meeting" means the annual meeting of the shareholders of the Bank,

(*e*) "goods" includes also bullion, wares and merchandise,

(*f*) "local

(*f*) "local meeting" means the annual meeting of the shareholders whose names are registered in a branch register,

(*g*) "meeting" includes an adjourned holding of a meeting,

(*h*) "prescribed" means prescribed by bye-laws made under this Act,

(*i*) "Presidency Banks" means the Bank of Bengal, the Bank of Madras and the Bank of Bombay as constituted by the Presidency Banks Act, 1876, and a "Presidency Bank" means any one of these Banks, XI of 1876

(*j*) "special local meeting" means a meeting of the shareholders whose names are registered in a branch register, convened for the transaction of some particular business specified in the notice convening the meeting,

(*k*) "special local resolution" means a resolution passed at a special local meeting,

(*l*) "special meeting" means a meeting of shareholders convened for the transaction of some particular business specified in the notice convening the meeting, and

(*m*) "special resolution" means a resolution passed at a special meeting

CHAPTER I

Establishment and Incorporation of the Imperial Bank of India.

Establishment of the Imperial Bank

3. (*1*) A Bank to be called the Imperial Bank of India and in this Act referred to as "the Bank" shall be constituted for the purpose of taking over the undertakings of the Presidency Banks and to carry on the business of banking in accordance with the provisions of this Act.

(*2*) Every person who, immediately before the appointed day, was registered as a shareholder or as a

a holder of stock in any of the Presidency Banks, together with such other persons as may from time to time become shareholders in the Bank in accordance with the provisions of this Act, shall, as long as they are shareholders in the Bank, constitute a body corporate with perpetual succession and a common seal under the name of the Imperial Bank of India and shall sue and be sued in that name

(3) Subject to the provisions of this Act, the capital of the Bank shall consist of one hundred and twelve millions and five hundred thousand rupees divided into shares of five hundred rupees each

(4) The liability of the shareholders of the Bank shall be limited to the amount not fully paid up on their shares

CHAPTER II

Transfer of the undertakings of Presidency Banks to the Imperial Bank

Transfer of assets and liabilities

4. (1) Subject to the provisions of this Act, as from the appointed day, the undertakings of each of the Presidency Banks shall be transferred to and shall vest in the Bank

(2) The undertaking of a Presidency Bank shall be deemed to include all rights, powers, authorities and privileges and all property, moveable or immoveable, including cash balances, reserve funds, investments and all other interests and rights in or arising out of such property as may be in the possession of that Bank immediately before the appointed day, and all books, accounts and documents relating thereto, and shall also be deemed to include all debts, liabilities and obligations of whatever kind then existing of that Bank

(3) If, on the appointed day, any suit, appeal or legal proceeding of whatever nature is pending by or against any Presidency Bank, the same shall not abate, be discontinued or be in any way prejudicially affected by reason of the transfer to the Bank of the undertaking of such Presidency Bank or of anything in

in this Act, but the suit, appeal or proceeding may be continued, prosecuted and enforced by or against the Bank

(*4*) All contracts, deeds, bonds, agreements and other instruments of whatever nature subsisting or having effect immediately before the appointed day and to which any Presidency Bank is a party shall be of as full force and effect against or in favour of the Bank, as the case may be, and may be enforced as fully and effectually as if instead of the Presidency Bank the Bank had been a party thereto

Terms of transfer as regards share holders in the Presidency Banks

5. (*1*) The name of every person who immediately before the appointed day was registered as a shareholder in any of the Presidency Banks shall be registered in accordance with the provisions of this Act hereinafter appearing as holding the same number of shares in the Bank as stood in his name in the register of such Presidency Bank .

Provided that, for the purposes of this section two half-shares standing in the name of any such person in the register of any Presidency Bank shall be taken as the equivalent of one share, and odd half-shares shall be dealt with as hereinafter provided

(*2*) The name of every person who immediately before the appointed day was registered as a holder of stock in any of the Presidency Banks shall be registered in accordance with the provisions of this Act hereinafter appearing as holding one share in the Bank for every Rupees five hundred of stock of which he was the registered holder in such Presidency Bank, and odd amounts of stock not amounting to Rupees five hundred shall be dealt with as hereinafter provided

(*3*) The Bank shall issue fractional certificates to the holders of odd half-shares and of odd amounts of stock, not amounting to Rupees five hundred, certifying, as the case may be, that the holder is entitled to one-half of one fully paid share or such fraction of a share as the odd amount of stock is of Rupees five hundred:

(*4*) Holders of fractional certificates shall, if resident in India, within three months and, in any other

other case, within six months from the date of the certificate either—

(*i*) surrender their fractional certificates with other similar fractional certificates representing in all one fully paid share, in which case the surrenderor shall be entitled to be registered as a shareholder and to have a fresh certificate for a fully paid share in the Bank issued to him and be entitled to an allotment of new shares in the same way as if he had been the holder of one fully paid share, or

(*ii*) at their option surrender the fractional certificates to the Bank, in which case the Bank shall be entitled to sell the shares represented by the fractions so surrendered from time to time in such manner as the Bank deems expedient, and the aggregate net sale proceeds realized by such sale or sales shall be divided proportionately and paid by the Bank to the holders of fractional certificates for whose account the shares may have been so sold.

(*5*) Every shareholder of the Bank whose name has been registered in accordance with the provisions of this section shall be entitled, in respect of every share of which he is so registered as the holder, to an allotment to himself or to his nominee (provided that such nominee is approved by the Bank) of two shares in the Bank with the sum of Rupees one hundred and twenty-five credited as paid up on payment in respect of each share, in the case of a former shareholder or stockholder of the Bank of Bengal or the Bank of Bombay, of Rupees one hundred and twenty-five, and of the Bank of Madras of Rupees two hundred and twenty-five.

(*6*) The Bank shall cause notice to be published in the Gazette of India and in two daily papers in each Presidency, and shall also send by post to every person whose name immediately before the appointed day was entered in the register of shareholders or

stockholders

stockholders of any of the Presidency Banks, a notice giving particulars of the terms hereinbefore set out as to the allotment of new shares and the surrender of fractional certificates, and as to the manner and form in which application for the allotment of new shares and the surrender of fractional certificates is to be made.

(7) If within a period of three months from the date of publication in the Gazette of India of the notice referred to in sub-section (6), any shareholder has not made an application for the allotment of new shares to which he is entitled, the Bank may offer such shares for public subscription and allot them to any person applying therefor.

Provided that the Bank in the case of shareholders whose addresses are out of British India may, either generally or in any particular instance, fix an extended period for the admission of applications, but in no case shall that period be later than six months from the date of the publication of the notice in the Gazette of India

Existing officers and servants of Presidency Banks and existing Provident Funds

6. (1) Subject to the provisions of this Act, every officer and servant employed immediately before the appointed day by a Presidency Bank shall, from the appointed day become an officer or servant of the Bank, and shall hold his office or service therein by the same tenure and upon the same terms and conditions and with the same rights and privileges as to pension or gratuity as he would have held the same under the Presidency Bank if this Act had not been passed

(2) Any person who, on the appointed day, has been granted or is in receipt of a pension or other superannuation or compassionate allowance from a Presidency Bank shall be entitled to be paid by, and to receive from, the Bank the same pension or allowance so long as he observes the conditions on which the pension or allowance was granted. Any question whether he has so observed such conditions shall, in case of any difference arising, be determined by the Governor General in Council.

(3) For

(3) For the directors and officers of the Banks of Bombay and Madras who are at the commencement of this Act the respective trustees of the following Funds, that is to say,—

(a) the Bank of Bombay Officers' Pension and Guarantee Fund, and

(b) the Bank of Madras Pension and Gratuity Fund, and the Bank of Madras Officers' Provident and Mutual Guarantee Fund,

there shall be substituted as trustees of those Funds, respectively, the members for the time being and the corresponding officers of the Local Boards of the Bank at Bombay and Madras; and if any doubt arises as to who are the corresponding officers to the officers who are trustees at the commencement of this Act, the decision of the Central Board shall be final.

Dissolution of Presidency Banks

7 As from the appointed day the Presidency Banks shall be dissolved, and thereafter no person shall make, assert or take any claims, demands or proceedings against any of the said Banks or against a director or officer thereof, in his capacity as such director or officer, except in so far as may be necessary for enforcing the provisions of this Act

CHAPTER III

Business of the Bank

Business which Bank may transact

8. Subject to the provisions of this Act, the business which the Bank is authorised to carry on and transact shall be the several kinds of business specified in Schedule I, subject to the limitations therein mentioned

Business of London office

9 Notwithstanding anything contained in Schedule I, the Bank shall not, at its London office, open cash credits or keep cash accounts for or receive deposits from any person who is not, or has not been, within the three years last preceding, a customer of the Bank or of any of the Presidency Banks at any of its or their branches in India or Ceylon

10. (1) It

Bank may do Government business

10. (*1*) It shall also be lawful for the Bank under any agreement with the Secretary of State for India in Council—

(*i*) to act as banker for, and to pay, receive, collect and remit money, bullion and securities on behalf of the Government,

(*ii*) to undertake and transact any other business which the Government may from time to time entrust to the Bank

(*2*) Every such agreement shall provide—

(*a*) that the Governor General in Council shall have power to issue instructions to the Bank in respect of any matter which, in his opinion, vitally affects his financial policy or the safety of Government balances and that, in the event of the Bank disregarding such instructions, the Governor General in Council may declare such agreement to be terminated ; and

(*b*) that within five years from the commencement of this Act, the Bank shall establish and maintain not less than one hundred new branches, of which at least one-fourth shall be established at such places as the Governor General in Council may direct

Acquisition of business premises

11. For the purpose of providing buildings and places in and at which to carry on and manage the business of the Bank, and proper residences for its officers and servants the Bank may—

(*a*) acquire any interest in immoveable property and

(*b*) sell, buy, re-sell, exchange, let, furnish, repair, insure against fire and other risks or deal with all or any part of the same as it may consider most conducive to the interests of the Bank.

Establishment of branches and agencies

12 Subject to the provisions of this Act, the Bank may—

(*a*) maintain, as branches or agencies of the Bank, any branches or agencies of the Presidency Banks

Banks which were in existence immediately before the appointed day, and may establish branches or agencies at such places as it deems advantageous, for the interests of the Bank, and

(*b*) discontinue any branch or agency maintained or established under this section

13. (*1*) With the sanction of the Governor General in Council, the Bank may enter into negotiations for and purchase and take over the business, including the capital, assets and liabilities, of any banking company carrying on business in India of which the capital is divided into shares, and may pay the consideration for such purchase either in cash or by the allotment of shares in the capital of the Bank, or partly in one and partly in the other of these ways, and may (subject to the provisions of this Act relating to the increase of capital) for the purpose of any such allotment of shares, increase the capital of the Bank by the issue of such number of shares as may be determined on by the Bank. Power of Bank to take over business of certain other Banks and for that purpose to increase its capital

(*2*) Any business so purchased shall after the purchase be carried on by the Bank subject to the provisions of this Act.

Explanation.—For the purposes of this section "banking company" means any company formed for the purpose of carrying on the business of banking and registered under the Indian Companies Act, 1913, or the law relating to companies for the time being in force in British India. VII of 1913

CHAPTER IV.

Shares

14. (*1*) The shares of the Bank shall be moveable property Nature of shares

(*2*) Each share in the Bank shall be distinguished by its appropriate number

15. A certificate under the common or official seal of the Bank specifying the shares held by any shareholder Certificate of shares

holder shall be *primâ facie* evidence of the title of the shareholder to the shares therein specified

Principal register of shareholders

16. The Bank shall keep in one or more books a register of its shareholders (in this Act referred to as the principal register), and shall enter therein the following particulars so far as they may be available —

(*i*) the names and addresses and occupations, if any, of the shareholders and a statement of the shares held by each shareholder, distinguishing each share by its number, and of the amount paid on the shares of each shareholder,

(*ii*) the date on which each person is so entered as a shareholder, and

(*iii*) the date on which any person ceases to be a shareholder

Branch registers.

17 (*1*) The Bank shall cause to be kept at the local head offices of the Bank in Calcutta, Madras and Bombay branch registers which shall be deemed to be part of the principal register, and may do so at any other local head office which may hereafter be established under this Act

(*2*) There shall be entered in the branch register to be kept in Calcutta the name of every person who having been registered as a shareholder or stockholder in the Bank of Bengal is entitled under the provisions of section 5 to be registered as a shareholder in the Bank, with the same particulars appended thereto as are required in the case of the principal register, and the same provision shall apply *mutatis mutandis* to the branch registers to be kept in Madras and Bombay.

(*3*) Any shareholder may apply to the Bank to have his name transferred from one branch register to another in respect of either the whole or any part of the shares standing in his name, and the Bank shall, subject to such conditions as may be prescribed, cause the registers to be amended accordingly

(*4*) Subject to the provisions of sub-section (3) no transaction with respect to any share registered in one branch register shall be registered in any other branch register.

18. No

18. No notice of any trust, express, implied or constructive, shall be entered on the principal or any branch register or be receivable by the Bank

Trusts not to be entered on the register

19. The Bank may close the principal register or any branch register for any time or times, not exceeding in the whole thirty days in each year.

Power to close register

20. (*1*) The principal register of shareholders shall be kept at such places as the Bank, by notification in the Gazette of India, may appoint and, except when closed under the provisions of this Act, that register or any branch register shall during business hours (subject to such reasonable restrictions as the Bank may impose, so that not less than two hours in each day be allowed for inspection) be open to the inspection of any shareholder gratis.

Inspection of register of shareholders.

(*2*) Any shareholder may require a copy of any such register, or of any part thereof, on prepayment therefor at the rate of six annas for every hundred words or fractional part thereof required to be copied.

Contracts.

21. (*1*) Contracts on behalf of the Bank may be made as follows:—

Form of contracts

(*i*) any contract which, if made between private persons, would be by law required to be in writing, signed by the parties to be charged therewith, may be made on behalf of the Bank in writing signed by any person acting under its authority, express or implied, and may in the same manner be varied or discharged;

(*ii*) any contract which, if made between private persons, would by law be valid although made by parol only and not reduced to writing, may be made by parol on behalf of the Bank by any person acting under its authority, express or implied, and may in the same manner be varied or discharged.

(*2*) All contracts made according to the provisions of this section shall be effectual in law, and shall bind the

the Bank and all other parties thereto and their legal representatives

Regulations of Bank.

Regulations of the Bank

22. The provisions contained in Schedule II shall be the regulations of the Bank in regard to the matters to which they relate

CHAPTER V

Management

Offices of the Bank

23. The Bank shall have local head offices in Calcutta, Madras and Bombay, and at such other places in British India as the Bank, with the previous sanction of the Governor General in Council, may determine The Bank may also, subject to the provisions of this Act as to the business to be transacted there, establish an office in London

Central Board

24. The general superintendence of the affairs and business of the Bank shall be entrusted to a Central Board of Governors (hereinafter in this Act referred to as the "Central Board"), who may exercise all powers and do all such acts and things as may be exercised or done by the Bank and are not by this Act expressly directed or required to be done by the Bank in general meeting

Local Boards

25. Local Boards shall be established at Calcutta, Madras and Bombay, and may be established at such other places in British India as the Central Board, with the previous sanction of the Governor General in Council, may determine

Powers of Local Boards

26. Without prejudice to the powers conferred by section 24, the Local Boards, established at Calcutta, Madras and Bombay shall have power generally to transact all the usual business of the Bank, and shall have power as regards entries in the branch registers, respectively kept at those places, to examine and pass or refuse to pass transfers and transmissions and to approve or refuse to approve transferees of shares and to give certificates of shares

Local

Local Boards at Calcutta, Madras and Bombay

Constitution of first Local Boards

27. The several persons who were, immediately before the appointed day, respectively the directors of the Presidency Banks shall constitute the first Local Boards of the Bank at Calcutta, Madras and Bombay, respectively, and the persons who were then president, vice-president and secretary, respectively, of the said Banks shall fill the same offices in the respective Local Boards until they vacate office in accordance with the provisions of this Act.

Central Board

Constitution and meetings of Central Board.

28. (*1*) The Central Board shall consist of the following Governors, namely—

(*i*) the presidents and vice-presidents of the Local Boards established by this Act,

(*ii*) the Controller of the Currency for the time being or such other officer of Government as may be nominated by the Governor General in Council to be a Governor,

(*iii*) such number of persons not exceeding four and not being officers of Government as may be nominated by the Governor General in Council Such persons shall hold office for one year but may be re-nominated;

(*iv*) the secretaries of the Local Boards established by this Act,

(*v*) such number of Managing Governors not exceeding two as may be appointed by the Governor General in Council after consideration of the recommendations of the Central Board Such Governors shall hold office for such period as the Governor General in Council may direct; and

(*vi*) if any Local Board is hereafter established under this Act, such number of persons to

to represent it as the Central Board may prescribe

(2) The Governors specified in clauses (*iii*) and (*iv*) and any Governors appointed under clause (*vi*) of sub-section (*1*) shall be at liberty to attend all meetings of the Central Board and to take part in its deliberations, but shall not be entitled to vote on any question arising at any meeting

Constitution of other Local Boards

29. (*1*) Where the Central Board establishes any additional local head office of the Bank in British India, a Local Board shall be constituted to manage the local business of the Bank

(2) The number of the members of any such Local Board shall be such number, not less than three, as may be prescribed and shall be appointed in such manner as may be prescribed.

Power to remove difficulties

30. (*1*) If any difficulty arises with respect to the establishment of the Central Board or of a Local Board, or with respect to the appointment of the first Governors or members or to the first meeting of the Central Board or of a Local Board, the Governor General in Council may by order make any appointment or do anything which appears to him necessary or expedient for the proper establishment of the Board and for the appointment of the first Governors and members and for the first meeting thereof.

(2) Any such order may modify the provisions of this Act so far as may appear to the Governor General in Council to be necessary or expedient for carrying the order into effect

CHAPTER VI.

Miscellaneous

Power of Central Board to make bye laws

31. (1) The Central Board shall, with the previous approval of the Governor General in Council, make bye-laws consistent with this Act regulating the following matters, namely :—

(*a*) the maximum amounts which may be advanced or lent to, or for which bills may

may be discounted for, any individual or partnership, without the security mentioned in sub-clauses (*i*) to (*iv*) of clause (*a*) of Part I of Schedule I, the conditions under which advances may be made on the said security and the extent of the sums to which accounts may be overdrawn without security,

(*b*) the conditions subject to which alone advances may be made to Governors, members of Local Boards, or officers of the Bank, or the relatives of such Governors, members or officers, or to companies, firms or individuals with which or with whom such Governors, members, officers or relatives are connected as partners, directors, managers, servants, shareholders or otherwise:

Provided that the bye-laws shall provide that no advance without security shall be made to any officer of the Bank without the specific sanction of the Local Board under which he is serving;

(*c*) the particulars to be contained in the half-yearly balance-sheet; and

(*d*) any matter which by this Act is directed to be prescribed.

(*2*) The Central Board may, with the previous approval of the Governor General in Council, make bye-laws consistent with this Act regulating the following matters or any of them, namely —

(*a*) the keeping of the register and branch registers of shareholders;

(*b*) the distribution of business amongst the Governors and their remuneration, if any,

(*c*) the distribution of business amongst the members of a Local Board and their remuneration, if any;

(*d*) the delegation of any powers of the Central Board or of a Local Board to committees consisting

consisting of Governors or members, as the case may be,

(*e*) the procedure to be followed at the meetings of the Central or Local Boards or of any committees thereof,

(*f*) the first appointment and the appointment of members of a Local Board established under this Act,

(*g*) the powers of Local Boards established by or under this Act,

(*h*) the localities in and with respect to which such Local Boards shall exercise their powers,

(*i*) the books and accounts to be kept at the local head offices of the Bank,

(*j*) the renewal of certificates of shares which have been worn out or lost,

(*k*) the conduct and defence of legal proceedings and the manner of signing pleadings,

(*l*) the constitution and management of pension and provident funds for the officers and servants of the Bank,

(*m*) all matters which are by this Act permitted to be prescribed, and

(*n*) generally, the conduct of the business of the Bank

References to Presidency Banks

32. (*1*) The references in sections 188, 189 and 289 of the Indian Companies Act, 1913, and references in any other enactment to the Presidency Banks or any of them shall be deemed to be references to the Bank VII of 1913

(*2*) Where by any instrument power is given to invest in, to hold or to exercise any rights in regard to shares or stock in a Presidency Bank, then that power may be exercised as if the same power were given by such instrument in regard to shares in the Bank

(*3*) A

(3) A power of attorney in favour of a Presidency Bank or in favour of a Presidency Bank and its officers shall be deemed, as the case may be, to be a power of attorney in favour of the Bank or of the Bank and its officers

33. In section 11, sub-section (3) of the Indian Companies Act, 1913, after the word "Royal" the words "Bank of Bengal," "Bank of Madras," "Bank of Bombay" shall be inserted

VII of 1913

Amendment of section 11 (3), Act VII of 1913

34. The enactments specified in Schedule III are hereby repealed

Repeals

SCHEDULE I.

(*See section 8*)

PART I.

Business which the Bank is authorised to carry on and transact

The Bank is authorised to carry on and transact the several kinds of business hereinafter specified, namely —

(*a*) the advancing and lending money, and opening cash-credits upon the security of—

(*i*) stocks, funds and securities (other than immoveable property) in which a trustee is authorised to invest trust money by any Act of Parliament or by any Act of the Governor General in Council and any securities of a Local Government or the Government of Ceylon,

(*ii*) such securities issued by State-aided railways as have been notified by the Governor General in Council under section 36 of the Presidency Banks Act, 1876 or may be notified by him under this Act in that behalf,

XI of 1876

(*iii*) debentures

(*iii*) debentures or other securities for money issued under the authority of any Act of a legislature established in British India by, or on behalf of, a district board,

(*iv*) goods which, or the documents of title to which, are deposited with, or assigned to, the Bank as security for such advances, loans or credits,

(*v*) accepted bills of exchange and promissory notes endorsed by the payees and joint and several promissory notes of two or more persons or firms unconnected with each other in general partnership, and

(*vi*) fully paid shares and debentures of companies with limited liability, or immoveable property or documents of title relating thereto as collateral security only where the original security is one of those specified in sub-clauses (*i*) to (*iv*), and if so authorised by any general or special directions of the Central Board, where the original security is of the kind specified in sub-clause (*v*)

Provided that such advances and loans may be made, if the Central Board thinks fit, to the Secretary of State for India in Council, without any specific security;

(*b*) the selling and realisation of the proceeds of sale of any such promissory notes, debentures, stock-receipts, bonds, annuities, stock, shares, securities or goods which, or the documents of title to which, have been deposited with, or assigned to, the Bank as security for such advances, loans or credits or which are held by the Bank or over which the Bank is entitled to any lien or charge in respect of any such loan or advance or credit or any debt

debt or claim of the Bank, and which have not been redeemed in due time in accordance with the terms and conditions (if any) of such deposit or assignment,

(*c*) the advancing and lending money to Courts of Wards upon the security of estates in their charge or under their superintendence and the realisation of such advances or loans and any interest due thereon, provided that no such advance or loan shall be made without the previous sanction of the Local Government concerned, and that the period for which any such advance or loan is made shall not exceed six months,

(*d*) the drawing, accepting, discounting, buying and selling of bills of exchange and other negotiable securities payable in India, or in Ceylon, and, subject to the general or special directions of the Governor General in Council, the discounting, buying and selling of bills of exchange, payable outside India, for and from or to such Banks as the Governor General in Council may approve in that behalf,

(*e*) the investing of the funds of the Bank upon any of the securities specified in sub-clauses (*i*) to (*iii*) of clause (*a*) and converting the same into money when required, and altering, converting and transposing such investments for or into others of the investments above specified,

(*f*) the making, issuing and circulating of bank-post-bills and letters of credit made payable in India, or in Ceylon, to order or otherwise than to the bearer on demand,

(*g*) the buying and selling of gold and silver whether coined or uncoined,

(*h*) the receiving of deposits and keeping cash accounts on such terms as may be agreed on;

(*i*) the

(*i*) the acceptance of the charge of plate, jewels, title-deeds or other valuable goods on such terms as may be agreed on,

(*j*) the selling and realising of all property, whether moveable or immoveable, which may in any way come into the possession of the Bank in satisfaction or part satisfaction of any of its claims,

(*k*) the transacting of pecuniary agency business on commission,

(*l*) the acting as administrator, executor or trustee for the purpose of winding up estates and the acting as agent on commission in the transaction of the following kinds of business, namely —

(*i*) the buying, selling, transferring and taking charge of any securities or any shares in any public Company,

(*ii*) the receiving of the proceeds whether principal, interest or dividends, of any securities or shares,

(*iii*) the remittance of such proceeds at the risk of the principal by public or private bills of exchange, payable either in India or elsewhere,

(*m*) the drawing of bills of exchange and the granting of letters of credit payable out of India, for the use of principals for the purpose of the remittances mentioned in clause (*l*) and also for private constituents for *bonâ fide* personal needs,

(*n*) the buying, for the purpose of meeting such bills or letters of credit, of bills of exchange payable out of India, at any usance not exceeding six months,

(*o*) the borrowing of money in India for the purposes of the Bank's business, and the giving of security for money so borrowed by pledging assets or otherwise,

(*p*) the borrowing of money in England for the purposes of Bank's business upon the security

security of assets of the Bank, but not otherwise; and

(*q*) generally, the doing of all such matters and things as may be incidental or subsidiary to the transacting of the various kinds of business hereinfore specified

PART II

Business which the Bank is not authorised to carry out or transact

The Bank shall not transact any kind of banking business other than those specified in Part I and in particular—

(*1*) It shall not make any loan or advance—

(*a*) for a longer period than six months, or

(*b*) upon the security of stock or shares of the Bank, or

(*c*) save in the case of the estates specified in clause (*c*) of Part I, upon mortgage or in any other manner upon the security of any immoveable property, or the documents of title relating thereto

(*2*) The Bank shall not (except upon a security of the kind specified in sub-clauses (*i*) to (*iv*) of clause (*a*) of Part I) discount bills for any individual or partnership-firm for an amount exceeding in the whole at any one time such sum as may be prescribed, or lend or advance in any way to any individual or partnership-firm an amount exceeding in the whole at any one time such sum as may be so prescribed

(*3*) The Bank shall not discount or buy, or advance and lend, or open cash-credits on the security of any negotiable instrument of any individual or partnership-firm, payable in the town or at the place where it is presented for discount, which does not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership

(*4*) The

(*4*) The Bank shall not discount or buy, or advance and lend or open cash-credits on the security of any negotiable security having at the date of the proposed transaction a longer period to run than six months or, if drawn after sight, drawn for a longer period than six months

Provided that nothing in this Part shall be deemed to prevent the Bank from allowing any person who keeps an account with the Bank to overdraw such account, without security, to such extent as may be prescribed.

SCHEDULE II.

REGULATIONS OF THE BANK.

(*See section 22*)

Share certificates

1. Every person whose name is entered as a shareholder in the register of shareholders shall, without payment, be entitled to a certificate under the common seal of the Bank or if the certificate relates to shares registered in a branch register under the official seal of the Bank specifying the share or shares held by him and the amount paid up thereon Provided that, in respect of a share or shares held jointly by several persons, the Bank shall not be bound to issue more than one certificate, and delivery of a certificate for a share to one of several joint-holders shall be sufficient delivery to all.

Lien.

Bank's lien on shares

2. The Bank shall have a lien on every share (not being a fully paid share) for all moneys (whether presently payable or not) called or payable at a fixed time in respect of that share, and the Bank shall also have a lien on all shares standing registered in the name of a single person for all moneys presently payable by him or his estate to the Bank. The Bank's lien, if any, on a share shall also extend to all dividends payable thereon.

3. The

3. The Bank may sell, in such manner, as it thinks fit any shares on which it has a lien, but no sale shall be made unless some sum in respect of which the lien exists is presently payable, nor until the expiration of fourteen days after a notice in writing, stating and demanding payment of such part of the amount in respect of which the lien exists as is presently payable, has been given to the registered holder for the time being of the share, or to the person entitled by reason of his death or insolvency to the share

Power to sell for default

4. The proceeds of the sale shall be applied in payment of such part of the amount in respect of which the lien exists as is presently payable, and the residue shall (subject to a like lien for sums not presently payable, as existed upon the shares prior to the sale) be paid to the person entitled to the shares at the date of the sale The purchaser shall be registered as the holder of the shares, and he shall not be bound to see to the application of the purchase-money, nor shall his title to the shares be affected by any irregularity or invalidity in the proceedings in reference to the sale.

Disposal of proceeds of sales

Calls on Shares

5. The Bank may, from time to time, make calls upon the shareholders in respect of any moneys unpaid on their shares, provided that no call shall exceed one-fourth of the nominal amount of the share, or be payable at less than two months from the last call; and each shareholder shall (subject to receiving at least two months' notice specifying the time or times of payments) pay to the Bank at the time or times so specified the amount called on his shares

Calls

6. The joint holders of a share shall be jointly and severally liable to pay all calls in respect thereof

Liability of joint holders

7. If a sum called in respect of a share is not paid before or on the day appointed for payment thereof, the person from whom the sum is due shall pay interest upon the sum at the rate of ten per cent. per annum from the day appointed for the

Liability to pay interest on unpaid calls

the payment thereof to the time of the actual payment, but the Central Board shall be at liberty to waive payment of that interest wholly or in part

Transfer and transmission of Shares

Execution of transfers.

8. The instrument of transfer of any share in the Bank shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain holder of the share until the name of the transferee is entered in the register of shareholders in respect thereof

Form of transfers

9. Shares in the Bank shall be transferred in the following Form, or in any usual or common Form which the Central Board shall approve —

I, A B of , in consideration of the sum of rupees paid to me by C D of (hereinafter called "the said transferee") do hereby transfer to the said transferee the share [or shares] numbered in the Imperial Bank of India to hold unto the said transferee, his executor, administrators and assigns, subject to the several conditions on which I held the same at the time of the execution thereof, and I, the said transferee, do hereby agree to take the said share [or shares] subject to the conditions aforesaid.

As witness our hands the day of

Witness to the signature of, etc

Power to decline to register transfers.

10. The Bank may decline to register any transfer of shares, not being fully paid shares, to a person of whom it does not approve, and may also decline to register any transfer of shares on which the Bank has a lien The Bank may also suspend the registration of transfers for any period during which it has under the provisions of this Act directed that the registers shall be closed

The Bank may decline to recognise any instrument of transfer unless—

(*a*) a fee not exceeding two rupees is paid to the Bank in respect thereof ; and

(*b*) the

(*b*) the instrument of transfer is accompanied by the certificate of the shares to which it relates, and such other evidence as the Bank may reasonably require to show the right of the transferor to make the transfer.

Deceased shareholders

11. The executors or administrators of a deceased sole holder of a share shall be the only persons recognised by the Bank as having any title to the share In the case of a share registered in the names of two or more holders, the survivors or survivor, or the executors or administrators of the deceased survivor, shall be the only persons recognised by the Bank as having any title to the share

Death or insolvency of shareholders

12. Any person becoming entitled to a share in consequence of the death or insolvency of a shareholder shall, upon such evidence being produced as may be required by the Bank, have the right either to be registered as a shareholder in respect of the share or, instead of being registered himself, to make such transfer of the share as the deceased or insolvent person could have made, but the Bank shall, in either case, have the same right to decline or suspend registration as it would have had in the case of a transfer of the share by the deceased or insolvent person before the death or insolvency

Rights of persons acquiring shares on death or insolvency of shareholder

13. Any person becoming entitled to a share in consequence of the death or insolvency of the holder shall be entitled to the same dividends and other advantages to which he would be entitled if he were the registered holder of the share, except that he shall not, before being registered as a shareholder in respect of the share, be entitled in respect of it to exercise any right conferred on a shareholder in relation to meetings of the Bank

Forfeiture of Shares.

Failure to pay call.

14. If a shareholder fails to pay any call or instalment of a call on the day appointed for payment thereof, the Central Board may, at any time thereafter during such time as any part of such call or instalment

instalment remains unpaid, serve a notice on him requiring payment of so much of the call or instalment as is unpaid, together with any interest which may have accrued

Form of notice

15. The notice shall name a further day (not earlier than the expiration of fourteen days from the date of the notice) on or before which the payment required by the notice is to be made, and shall state that, in the event of non-payment at or before the time appointed, the shares in respect of which the call was made will be liable to be forfeited

Forfeiture of shares

16. If the requirements of any such notice as aforesaid are not complied with, any share in respect of which the notice has been given may at any time thereafter, before the payment required by the notice has been made, be forfeited by a resolution of the Central Board to that effect

Disposal of forfeited shares

17. A forfeited share may be sold or otherwise disposed of on such terms and in such manner as the Central Board thinks fit, and at any time before a sale or disposition the forfeiture may be cancelled on such terms as the Central Board thinks fit

Liability of shareholders after forfeiture

18. A person whose shares have been forfeited shall cease to be a shareholder in respect of the forfeited shares, but shall, notwithstanding, remain liable to pay to the Bank all moneys which, at the date of forfeiture, were presently payable by him to the Bank in respect of the shares, but his liability shall cease if and when the Bank receives payment in full of the nominal amount of the shares

Alteration of Capital.

Power to increase or reduce capital

19. The shareholders of the Bank may, by special resolution and with the previous sanction of the Governor General in Council, increase or reduce the capital of the Bank

Provided that no such special resolution shall be deemed to have been passed, unless at least one-third in number of the shareholders, holding at least one-half

one-half of the paid-up capital of the Bank for the time being, be present in person or by proxy, and the majority of such shareholders have voted either by show of hands or by poll, as the case may be, in favour of the said resolution

Procedure on resolution to increase capital

20. When any such special resolution to increase the capital has been passed, the Central Board may, subject to the provisions of this Act and to the special directions (if any) given in reference thereto by the meeting at which such resolution has been passed—

(*a*) make such orders as it thinks fit for the opening of subscriptions by the shareholders towards such increase of capital,

(*b*) allow to the shareholders such period to fill up the subscription as it thinks fit,

(*c*) direct the manner in which the shareholders shall subscribe and pay into the Bank the proportions of new capital which they may respectively desire to subscribe; and

(*d*) make such orders as it thinks fit for the disposal and allotment of the amount of new capital that may not be subscribed for and paid up in the manner aforesaid.

New shares

21. Any new shares shall be subject to the same provision with reference to the payment of calls, lien, transfer, transmission, forfeiture and otherwise as the shares in the original capital.

Procedure on resolution to reduce capital

22. When any such special resolution to reduce the capital has been passed, the Central Board may (subject as aforesaid) determine the manner in which the reduction shall be carried into effect.

Meetings of Shareholders

Annual general meeting

23. (*1*) On the first Monday of the month of August in every year, or as soon after such day as is convenient, a general meeting shall be held at such time and at such town where there is a local

head

head office of the Bank as shall from time to time be prescribed by the Central Board, at which meeting the Central Board shall submit to the shareholders a statement of the affairs of the Bank made up to the preceding thirtieth day of June

Provided that such general meeting shall not be held on two consecutive occasions at any one town in which there is a local head office of the Bank

(2) A notice convening such meeting, signed by a Managing Governor, shall be published in the Gazette of India and in such other manner as the Central Board may direct at least fifteen days before the meeting is held.

Special meetings

24. Any hundred or more shareholders holding shares to the aggregate amount of five hundred thousand rupees or any three Governors may convene a special meeting upon giving sixty days' previous notice of such meeting, and of the purpose for which the same is convened, as well to the Central Board as also by public advertisement in the Gazette of India, and in two of the English daily newspapers and one of the vernacular newspapers:

Provided that three months' previous notice shall be thus given of any special meeting held for the purpose of increasing or reducing the capital of the Bank, and shall also be addressed to every shareholder

Quorum

25. (1) No business shall be transacted at any meeting, whether general or special, unless a quorum of two hundred shareholders, in person or by proxy, is present at the commencement of such business

(2) If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if convened by shareholders not being Governors, shall be dissolved, in any other case, it shall stand adjourned to the same day in the following week at the same time and place, and if at such adjourned meeting a quorum is not present, those shareholders who are present shall be a quorum

Decision by majority of votes

26. (1) Save as is otherwise provided in this Act in regard to resolutions for the increase or reduction of

of capital or for the removal of a Governor, every election and every matter submitted to a meeting, whether general or special, shall be decided by a majority of votes.

(2) No shareholder shall be allowed to vote at any such meeting in respect of any share acquired by transfer, unless such transfer shall have been completed and registered at least three months before the time of such meeting

(3) No shareholder shall be entitled to vote at any meeting in respect of any shares held by him alone or jointly, whilst any call due from him alone or jointly remains unpaid.

Power to declare resolution carried by show of hands

27. Save as otherwise provided in this Schedule a declaration by the chairman of any meeting, that a resolution has been carried or rejected thereat upon a show of hands, shall be conclusive, and an entry to that effect in the book of proceedings of the Bank shall be sufficient evidence of that fact, without proof of the number or proportion of the votes recorded in favour of, or against, such resolution, unless, immediately on such declaration, a poll be demanded in writing by ten shareholders present and entitled to vote at such meeting

Poll to be taken, if duly demanded

28. If a poll be duly demanded, it shall be taken either at once or at such time and place and, save as otherwise provided in this Act, either by open voting or by ballot, as the chairman directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

Proceedings and resolutions at meetings to be binding

29. The proceedings at any meeting and all resolutions and decisions of such meeting shall be valid and binding on the Bank so far as such proceedings, resolutions and decisions are consistent with the provisions of this Act

Votes of Members.

Votes

30. On a show of hands every shareholder present in person shall have one vote On a poll every shareholder shall have one vote for every four shares of which he is the holder.

31. In

Votes of joint holders

31. In the case of joint-holders, the vote of the senior who tenders a vote, whether in person or by proxy, shall be accepted to the exclusion of the votes of the other joint-holders, and for this purpose seniority shall be determined by the order in which the names stand in the register of shareholders

Votes on behalf of lunatics and minors

32. A shareholder of unsound mind, or in respect of whom an order has been made by any Court having jurisdiction in lunacy, may vote, whether on a show of hands or on a poll, by his committee or other legal guardian, and a shareholder who is a minor may similarly vote by his guardian and any such committee or guardian may, on a poll, vote by proxy.

Shareholders in default

33. No shareholder shall be entitled to vote at any general meeting unless all calls or other sums presently payable by him in respect of shares in the Bank have been paid

Poll

34. On a poll votes may be given either personally or by proxy.

Form of proxies

35 The instrument appointing a proxy shall be in writing under the hand of the appointor or of his attorney duly authorised in writing No person shall act as a proxy unless either he is entitled on his own behalf to be present and vote at the meeting at which he acts as proxy, or he has been appointed to act at that meeting as proxy for a corporation

Deposit of proxies

36. The instrument appointing a proxy and the power-of-attorney or other authority (if any), under which it is signed, or a notarially certified copy of that power or authority, shall be deposited at the head office of the bank in the place where the meeting is to be held not less than ninety-six hours before the time for holding the meeting at which the person named in the instrument proposes to vote, and in default the instrument of proxy shall not be treated as valid.

Local Meetings.

Annual local meeting

37. A general meeting of the shareholders on a branch register shall be held once in every year at the local head office of the Bank at which the branch register

register is kept It shall be held on such date as the Central Board may direct

38. The foregoing provisions of this Schedule as to the convening of general and special meetings and procedure at meetings shall, so far as may be, apply to local and special local meetings of the shareholders on a branch register

Procedure at local meeting

Provided that references in the said provisions to shareholders shall be deemed to be references to shareholders on the branch register, and references to Governors, Managing Governors and the Gazette of India shall be deemed to be references, respectively, to the members of the Local Board, Secretaries and to the local official Gazette

Provided further that ten or more shareholders holding shares to the aggregate amount of fifty thousand rupees may convene a special local meeting and that the number of shareholders to constitute a quorum and to demand a poll in the case of a local meeting shall be, respectively, twenty and five

Qualifications and disqualifications of Governors and others

39. (*1*) No person shall be qualified to serve as a Governor or as a member of a Local Board who is not a holder in his own right of unencumbered shares of the Bank, to the nominal amount of ten thousand rupees at the least

Qualification and disqualification of Governors and of members of Local Boards

Provided that this provision shall not apply in the case of a person who is an officer of the Bank or is nominated or appointed by the Governor General in Council.

(*2*) No person shall be qualified to serve as a Governor or as a member of a Local Board—

if he holds the office of director, provisional director, promotor, agent or manager of any joint-stock bank established or having a branch or agency in British India, or advertised as about to be established or to have a branch or agency in British India .

Provided

Provided that this disqualification shall not apply to any person, being a director of a joint-stock bank, who may be nominated as a Governor under the provision of clause (iii) of sub-section (*1*) of section 28; or

if he is a salaried officer of Government not specially authorised by this Act or by the Governor General in Council to serve as a member,

and the office of a Governor or a member of the Local Board shall be vacated—

if the person holding it resigns his office or dies;

if he accepts or holds any other office of profit under the Bank,

if he becomes insolvent or bankrupt, or compounds with his creditors;

if he is declared lunatic, or becomes of unsound mind,

if he is absent from the Central Board or the Local Board, as the case may be, for more than six consecutive months, or

if he ceases to hold in his own right the amount of shares required to qualify him for the office

(*3*) No two persons who are partners of the same mercantile firm, or are directors of the same private company, or one of whom is the general agent of, or holds a power of procuration from the other, or from a mercantile firm of which the other is a partner, shall be eligible or qualified to serve as members of the Central Board or a Local Board or of the Central Board and a Local Board, at the same time.

Removal of Governors and members of Local Boards

Removal of Governors

40. The shareholders may, by a special resolution passed by a majority of the votes of shareholders holding in the aggregate not less than one-half of the capital, remove any Governor (other than a Governor nominated

nominated or appointed by the Governor General in Council) before the expiration of his period of office, and appoint, in his stead, a qualified person, who shall in all respects stand in his place

41. The shareholders on a branch register may, by a special local resolution passed by the votes of shareholders holding in the aggregate not less than one-half of the capital on the branch register, remove any member of the Local Board before the expiration of his period of office, and appoint, in his stead, a qualified person who shall in all respects stand in his place. Removal of member of Local Board

Meetings of Central Board

42. (*1*) Meetings of the Central Board shall be convened not less than once in every three months by a Managing Governor and a meeting of the Central Board shall be held once at least in every year at every local head office established by this Act Meetings of Central Board.

(*2*) Any Local Board may require a Managing Governor to convene a meeting of the Central Board at any time and a Managing Governor shall forthwith convene a meeting accordingly.

(*3*) Four Governors entitled to vote shall form a quorum for the transaction of business

(*4*) At each meeting of the Central Board the Governors present shall elect from among themselves a chairman for such meeting, who, if he is entitled to vote, shall have a second or casting vote in all cases of an equal division of votes

Local Boards

43. (*1*) At the first general local meeting after the commencement of this Act, and at the annual general local meeting thereafter, the two members of the Local Board who have been longest in office as members thereof shall go out of office The vacancies shall be filled by election at a general or special local meeting Term of office and number of members of Local Boards

(*2*) Any member so retiring may be re-elected, and if any question arises as to which of the members who have been the same time in office shall retire, the

the question shall be decided by the Local Board by ballot

(*3*) Subject to any bye-laws which may be prescribed, the number of members of any Local board may be varied by a special local resolution

(*4*) Three of the members of a Local Board shall form a quorum for the transaction of business

(*5*) Meetings of a Local Board shall be convened by the president, vice-president or, in their absence, the senior member of the Board, whenever he thinks fit

President, vice president and chairman

44. (*1*) At the first meeting of the Local Board in every year it shall choose a president and vice-president from among its members, and whenever the office of president or vice-president becomes vacant the Local Board shall, at its next meeting, choose a successor for the remainder of the current year ;

Provided that no person shall be chosen to be president or vice-president twice in succession.

(*2*) The president or, in his absence, the vice-president shall be chairman at all meetings of the Local Board and at all general or special local meetings

Provided that, if both the president and vice-president be absent at any meeting, the persons present at such meeting shall elect a chairman from among themselves

(*3*) The chairman shall have a second or casting vote in all cases of an equal division of votes

Vacancies

45 (*1*) Any vacancy occurring on a Local Board by the death, resignation or disqualification of any member shall be filled up by the remaining members who shall co-opt a duly qualified person to fill the vacancy

(*2*) Any member so appointed shall be considered to have held office from the date on which the member in whose place he is appointed was elected or, when such member was appointed under this clause, from the date on which his mediate or immediate predecessor was elected, as the case may be.

General

General provisions as to Central and Local Boards.

46. No act or proceeding of the Central Board or of a Local Board shall be invalidated merely by reason of the existence of a vacancy or vacancies among its Governors or members

Proceedings of Boards not invalidated by vacancies

47. All acts done by any person acting in good faith as a Governor or as a member of a Local Board shall be as valid as if he was a member of the Central or Local Board, as the case may be, notwithstanding it be afterwards discovered that there was some defect in his appointment or qualification

Acts of members of Boards valid notwithstanding subsequent discovery of disqualification

48. (*1*) Every Governor and every member of a Local Board shall be indemnified by the Bank against all losses and expenses incurred by him in or about the discharge of his duties, except such as happen from his own wilful act or default

Indemnity of members of Boards

(*2*) A Governor shall not nor shall a member of a Local Board be responsible for any other Governor or member or for any officer or servant of the Bank or for any loss or expense happening to the Bank by the insufficiency or deficiency of value of, or title to, any property or security acquired or taken on behalf of the Bank, or by the insolvency, bankruptcy or wrongful act of any customer or debtor of the Bank, or by anything done in the execution of the duties of his office or in relation thereto, or otherwise than for his own wilful act or default

The Seals.

49. (*1*) The common seal of the Bank shall not be affixed to any instrument except in the presence of at least three Governors including a Managing Governor, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person who may sign the instrument as a witness Unless so signed as aforesaid such instrument shall be of no validity

Common seal.

(*2*) The Bank shall have for use by the Local Boards at Calcutta, Madras and Bombay, and may have

have for the use of other Local Boards established under this Act, official seals which shall be facsimiles of the common seal of the Bank with the addition of the name of the local head office where it is to be used.

(3) The official seal shall be affixed to the certificates issued in respect of any shares entered in the branch registers kept at those places and may be used for such other purposes as may be prescribed

(4) An instrument to which an official seal is duly affixed shall bind the Bank as if it had been sealed with the common seal of the Bank

(5) An official seal shall not be affixed to any instrument except in the presence of at least two members of the Local Board and the secretary who shall sign their names to the instrument in token of their presence and such signing shall be independent of the signing of any person who may sign the instrument as a witness Unless so signed as aforesaid such instrument shall be of no validity.

Officers of the Bank.

Appointment, salaries, suspension and removal of officers

50. The Central Board and, subject to the provisions of this Act, the Local Boards shall have power—

(a) to appoint such officers, and servants as may be necessary to conduct the business of the Bank,

(b) to grant salaries, pensions and other emoluments to such officers and servants, and

(c) to suspend or remove any officer or servant of the Bank

Accounts, receipts and documents of Bank by whom to be signed

51. The Managing Governors, the secretaries and such other officers of the Bank as the Central Board may authorise in this behalf by notification in the Gazette of India are hereby severally empowered, for and on behalf of the Bank, to endorse and transfer promissory notes, stock-receipts, stock-debentures, shares, securities and documents of title to goods, standing in the name of or held by the Bank, and to

to draw, accept and endorse bills of exchange, bank post-bills, and letters of credit, in the current and authorised business of the Bank, and to sign all other accounts, receipts and documents connected with such business

52. No Managing Governor, secretary, inspector, manager, or accountant in the service of the Bank, and, without the previous sanction of the Board, no *khazanchi*, cashier or shroff in the service of the Bank and no agent, at any branch or agency of the Bank, shall engage in any other banking or commercial business, either on his own account or as agent for any other person or persons, or shall act as broker or agent for the sale or purchase of Government or other securities

Officers forbidden to engage in other commercial business.

53. Every person appointed to hold or act in any one or more of the said offices, and every other officer from whom the Central Board may think fit to require it shall give security to the Bank for the faithful discharge of his duty to the satisfaction of the Central Board in such amount and in such manner as it thinks proper The security to be given as aforesaid by the person holding or acting in the office of secretary shall not be in a less amount than fifty thousand rupees

Security from officers

Accounts and Dividends.

54. (*1*) The Central Board shall cause the books of the Bank to be balanced on every thirty-first day of December and every thirtieth day of June.

Books to be balanced twice a year.

(*2*) A statement of the balance at every such period, signed by a majority of the Governors shall be forthwith sent to the Governor General in Council

(*3*) The Governor General in Council shall (so long as any such arrangement with the Secretary of State as is mentioned in section 10 is in force) be entitled to require of the Central Board any information touching the affairs of the Bank and the production of any document of the Bank, and may require the publication of such statements of its assets and liabilities at such intervals and in such form and manner as he thinks fit.

55. (*1*) An

Dividends to be determined half-yearly

55. (*1*) An account of the profits of the Bank during the previous half-year shall be taken on or immediately after every thirty-first day of December and every thirtieth day of June, and a dividend shall be made as soon thereafter as conveniently may be, and the amount of such dividend shall be determined by the Central Board

(*2*) No unpaid dividend shall bear interest as against the Bank

Transfer to Reserve

56. The Central Board may, before declaring any dividend, set aside out of the profits of the Bank such sums as it thinks proper as a reserve or reserves which shall, at the discretion of the Central Board be applicable for meeting contingencies, or for equalising dividends, or for any other purpose to which the profits of the Bank may be properly applied, and pending such application may, at the like discretion, either be employed in the business of the Bank or be invested in any of the securities specified in sub-clauses (*i*) to (*iii*) of clause (*a*) of Part I of Schedule I

Joint holders

57. If several persons are registered as joint-holders of any share, any one of them may give effectual receipts for any dividend payable on the share.

Audit

Auditors

58. (*1*) Three auditors shall be elected and their remuneration fixed at the annual general meeting The auditors may be shareholders, but no Governor or member of a Local Board or other officer of the Bank shall be eligible during his continuance in office. Any auditor shall be eligible on quitting office for re-election.

(*2*) The first auditors of the Bank may be appointed by the Central Board before the annual general meeting and if so appointed shall hold office only until the first annual general meeting All auditors elected under this clause shall severally be and continue to act as auditors until the first general meeting after their respective elections

Provided that, if any casual vacancy occurs in the office of any auditor elected under this section,

a

a special meeting shall be called for the purpose of supplying the same

Government auditors

59 Without prejudice to anything contained in the foregoing provisions, the Governor General in Council may appoint such auditors as he thinks fit to examine and report upon the accounts of the Bank

Rights and duties of auditors

60 (*1*) Every auditor shall be supplied with a copy of the half-yearly balance-sheet, and it shall be his duty to examine the same, with the accounts and vouchers relating thereto Every auditor shall have a list delivered to him of all books kept by the Bank, and shall at all reasonable times have access to the books, accounts and other documents of the Bank, and may, at the expense of the Bank if appointed by it and at the expense of the Governor General in Council if appointed by him, employ accountants or other persons to assist him in investigating such accounts, and may, in relation to such accounts, examine any Governor or any member of a Local Board, or any officer of the Bank

(*2*) The auditors shall make a report to the shareholders or to the Governor General in Council, as the case may be, upon the annual balance sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet containing the prescribed particulars and properly drawn up so as to exhibit a true and correct view of the state of the Bank's affairs, and in case they have called for any explanation or information from the Central Board, whether it has been given and whether it is satisfactory Any such report made to the shareholders shall be read together with the report of the Central Board at the annual general meeting

Notices

Service

61. (*1*) A notice may be given by the Bank to any shareholder either personally or by sending it by post to him to his registered address or (if he has no registered address in British India) to the address, if any

any, within British India supplied by him to the Bank for the giving of notices to him

(2) Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the notice and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post

Absence of registered address

62. If a shareholder has no registered address, a notice addressed to him and advertised in the Gazette of India and a daily newspaper shall be deemed to be duly given to him on the day on which the advertisement appears

Notice on joint holders

63. A notice may be given by the Bank to the joint-holders of a share by giving the notice to the joint-holder named first in the register in respect of the share.

Notice to legal representative

64. Any notice given in accordance with the foregoing provisions shall be deemed to have been duly given notwithstanding that the shareholder be then deceased and whether or not the Bank had notice of his decease, and shall in that event be deemed to be a notice to his legal representative

Service of notice on Bank

65. A notice may be served on the Bank by leaving it at, or sending it by post to, any local head office of the Bank

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SCHEDULE III

ENACTMENTS REPEALED

(*See section 34*)

Year	No	Short title
1876	XI	The Presidency Banks Act, 1876
1879	V	The Presidency Banks Act, 1879
1899	XX	The Presidency Banks Act, 1899
1907	I	The Presidency Banks (Amendment) Act, 1907
1916	VIII	The Presidency Banks (Amendment) Act, 1916

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ACT No. XLVIII OF 1920

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

(Received the assent of the Governor General on the 22nd September 1920)

An Act to constitute an Indian Territorial Force, and to provide for the enrolment therein of persons other than European British subjects

WHEREAS it is expedient to provide for the constitution of an Indian Territorial Force, and for the enrolment therein of persons other than European British subjects who may offer themselves therefor, it is hereby enacted as follows —

Short title, extent and commencement

1. (*1*) This Act may be called the Indian Territorial Force Act, 1920

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas

(*3*) It shall come into force on the first day of October, 1920

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,—

"Advisory Committee" means an Advisory Committee constituted under section 12 for the Province within which a person subject to this Act for the time being resides or is serving, as the case may be,

"enrolled" means enrolled or re-enrolled in the Indian Territorial Force under this Act,

"European

1

[*Price two annas and nine pies*]

opean British subject" means any person
a European British subject as defined in the
Criminal Procedure, 1898, or is a British V of 1898
f European descent in the male line,

cribed" means prescribed by rules made
is Act, and

versity Corps" means any corps of the
Territorial Force constituted for the appoint-
reto of students of, and other persons con-
rith, a University established by law in
India or colleges affiliated to such a Univer-

here shall be raised and maintained in the
hereinafter provided a force to be designated
n Territorial Force.

ded that the Governor General in Council
blish all or any of the branches of the Force
stances may permit from time to time

e Governor General in Council may consti-
any Province one or more corps or units of
n Territorial Force and may disband any
nit so constituted

) Any British subject (not being a European
bject) or any subject of a State in India may
self for enrolment in the Indian Territorial
d any such person who satisfies the prescribed
s may be enrolled in the prescribed manner
period, not exceeding six years, as may be
d

n applicant for enrolment may apply to be
for service in any particular branch, corps or
tituted for the Province within which he for
being resides.

) Every person enrolled shall without un-
delay be appointed in the prescribed
o a corps or unit constituted under section 4
Province in which he for the time being

(2) Any

(*2*) Any person who has been enrolled for service in any particular branch, corps or unit shall be appointed to a corps or unit of that branch or to that corps or unit, as the case may be

7. (*1*) Any person appointed to a corps or unit under section 6 may be transferred, whether on disbandment of the corps or unit or otherwise, to another corps or unit of the Indian Territorial Force, in such manner as may be prescribed Transfer and attachment

(*2*) Nothing contained in sub-section (*1*) shall be deemed to authorise the transfer without his own consent of any person enrolled to a corps or unit constituted for a Province other than that in which he for the time being resides, or of a person enrolled for service in a particular branch to a corps or unit of another branch, or of a person enrolled for service in a particular corps or unit to any other corps or unit

(*3*) Any person enrolled may be attached at his own request to any corps or unit of the Indian Territorial Force or to any regular forces

8. Every person enrolled shall be entitled to receive his discharge from the Indian Territorial Force on the expiration of the period for which he was enrolled, and any such person may, prior to the expiration of that period, be discharged from the said Force by such authority and subject to such conditions as may be prescribed, and shall be so discharged on a recommendation of the Advisory Committee in this behalf Discharge

Provided that no person enrolled who is for the time being engaged in military service under the provisions of this Act shall be entitled to receive his discharge before the termination of such service

9 (*1*) Every person enrolled shall, subject to such conditions as may be prescribed, be bound to serve in any corps or unit of the Indian Territorial Force to which he has been appointed or transferred or is for the time being attached, and shall be subject to all rules and regulations that may be made under this Act relating to such corps or unit Liability to serve and perform military service

(*2*) Every

Every person enrolled shall be liable to per-
litary service—

when called out with any portion of the Indian Territorial Force by an order of the senior military officer present either to act in support of the civil power or to provide guards which, in the opinion of such officer, are essential; or

when any portion of the Indian Territorial Force to which he belongs has been embodied to support or supplement His Majesty's regular forces in India in the event of an emergency by a notification directing such embodiment issued by the Governor General in Council and published in the Gazette of India, or

when attached at his own request to any regular forces

(*1*) No person embodied under section 9
required to perform military service beyond
ts of India save under a general or special
the Governor General in Council

Any portion of the Indian Territorial Force
having been called out or embodied under
9, is performing military service shall be
by regular troops or otherwise as soon as
ances permit, and shall not be required to
such service after such replacement has been
to the satisfaction of the senior military officer
e or after the cancellation of the order or
ion under clause (*a*) or (*b*), as the case may
ction 9

(*1*) Every commissioned officer of the Indian
al Force when doing duty as a commissioned
nd every non-commissioned officer and man
nd Force—

when called out or embodied for military service under section 9, or

when attached to, or otherwise acting as part of or with, any regular forces,

shall

VIII of 1911 shall be subject to the Indian Army Act, 1911, and the rules made thereunder, whereupon the said Act and rules shall apply to him as if he held the same rank in His Majesty's Indian forces as he holds for the time being in the Indian Territorial Force

(2) Every commissioned officer, non-commissioned officer and man of the said Force when embodied for, or otherwise undergoing, military training in the prescribed manner shall be subject to the Indian VIII of 1911 Army Act, 1911, and the rules made thereunder

Provided that the said Act and rules shall in their application to such persons be modified to such extent and in such manner as may be prescribed

Provided further that officers, non-commissioned officers and men of a University Corps shall, when undergoing military training, be subject only to such disciplinary and other rules as may be prescribed in this behalf

12. (1) The Local Government of each Province for which any unit of the Indian Territorial Force has been constituted shall constitute an Advisory Committee consisting of three members, of whom one shall be a military officer appointed in the prescribed manner and the others shall be persons who are British subjects (other than European British subjects) not in the service of Government, appointed annually by, or under the orders of, the Local Government Advisory Committees

(2) The duties, powers and procedure of Advisory Committees shall be such as may be prescribed

13. (1) The Governor General in Council may, after previous publication, make rules to carry out the purposes of this Act. Power to make rules

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may—

(a) prescribe the manner in which, the period for which and the conditions subject to which, persons may be enrolled under section 5,

(b) prescribe the manner in which persons enrolled may be appointed to corps and units

units under section 6 or transferred under section 7,

) prescribe the authorities by which and the conditions subject to which persons enrolled may be discharged under section 8,

) prescribe the preliminary and periodical training to be undergone by any persons or class of persons enrolled and provide for the embodiment of any corps or unit for that purpose,

) prescribe the military or other obligations to which members of a University Corps shall be liable when undergoing military training and provide generally for the maintenance of discipline in such cases,

) provide for the medical examination of persons offering themselves for enrolment under section 5,

) provide for and regulate the remuneration, allowances, gratuities or compensation (if any) to be paid to any person or class of persons enrolled or to their dependants, and

) provide for any other matter which under this Act is to be or may be prescribed

All rules made under this Act shall be pub- in the Gazette of India, and on such publication ave effect as if enacted in this Act

. (*1*) The Commander-in-Chief of His Majesty's in India may make regulations consistent his Act and the rules made thereunder provid- enerally for all details connected with the zation and personnel of the Indian Territorial and for the duties, military training, clothing, nent, allowances and leave of persons enrolled

In particular and without prejudice to the lity of the foregoing power, such regulations pecify the courses of training or instruction to owed by any person or class of persons enrolled

15. For

V of 1898

15. For the purposes of sections 128, 130 and 131 of the Code of Criminal Procedure, 1898, all officers, non-commissioned officers and men of the Indian Territorial Force who have been appointed to a corps or unit shall be deemed to be officers, non-commissioned officers and soldiers, respectively, of His Majesty's Army

Certain persons subject to this Act to be deemed part of His Majesty's Army for certain purposes

16. No person shall be liable to pay any municipal or other tax in respect of any horse, bicycle, motor bicycle, motor car, or other means of conveyance which he is authorised by regulations made under section 14 to maintain in his capacity as a member of the Indian Territorial Force

Exemption from local taxation

CALCUTTA
SUPERINTENDENT GOVERNMENT PRINTING, INDIA
8, HASTINGS STREET

THE AUXILIARY FORCE ACT, 1920.

(XLIX OF 1920)

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[*Price five annas and six pies.*]

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IEDULE I—TRAINING
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ACT No. XLIX OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 22nd September, 1920)

An Act to constitute an auxiliary force for service in India

WHEREAS it is expedient to constitute an auxiliary force for service in India, It is hereby enacted as follows —

Short title, extent and commencement.

1 (*1*) This Act may be called the Auxiliary Force Act, 1920

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas, and applies also to European British subjects within the territories of any Prince or Chief in India.

(*3*) It shall come into force on the first day of October, 1920.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,—

"Advisory Committee" means an Advisory Committee constituted under section 28 for the prescribed military area, or part of a prescribed military area, within which a person subject to this Act for the time being resides or is serving, as the case may be;

"competent military authority" means the General or other Officer Commanding the prescribed military area within which a person subject to this Act for the time being resides or is serving, as the case may be;

"enrolled person" means a person enrolled in the prescribed manner under this Act,

* "enrolling

ırolling officer" means an officer authorised to
)ersons under this Act,

:escribed" means prescribed by rules made
ihis Act, and "prescribe" has a corresponding
g;

gulation" means a regulation made under
31, and

aining year" means a period of twelve months
ıng on the first day of April and ending on
:ty-first day of March.

There shall be raised and maintained in the
: hereinafter provided an auxiliary force for
ın India to be designated the Auxiliary Force,

Every person who—

) is a European British subject as defined in the Code of Criminal Procedure, 1898, or V of 18

) was, on the thirtieth day of September, 1920, enrolled or deemed to be enrolled under the Indian Defence Force Act, 1917 (not being a person enrolled under the provisions of section 12 of that Act), or III of 1

) is a British subject of European descent in the male line, or

) not being a British subject, satisfies the conditions prescribed for enrolment of persons of that class,

ubject to the provisions of this Act, be eligible
olment thereunder

1) Any person made eligible for enrolment under
:t who has attained the age of sixteen years and
member of His Majesty's regular naval, military
forces or of His Majesty's Royal Indian Marine
pply to be enrolled in the Auxiliary Force,
and if he satisfies the prescribed conditions,
e enrolled therein in the prescribed manner,
all thereupon become subject to the provisions
Act.

(*2*) An

(2) An applicant for enrolment may apply to be enrolled for service in any particular branch, or in any particular corps or unit located in the prescribed military area within which he for the time being resides

6 Every enrolled person shall be liable to undergo military training as provided by or under this Act until discharged from the Auxiliary Force, India, as hereinafter provided. Liability to undergo military training

7 Every enrolled person liable to undergo military training under section 6 shall, on and from the first day of April next following the date on which he attains the age of eighteen years or, if he has already attained the age of eighteen years on and from any later date on which he is enrolled, be liable to perform military service under this Act Liability to perform military service

8 (1) Every enrolled person shall without unnecessary delay, be appointed by, or under the orders of, the competent military authority to a corps or unit of the Auxiliary Force, India, and on receipt of an order so appointing him shall report himself for the purpose of joining such corps or unit at such time and place as may be specified in the order Appointment to corps or unit.

(2) Any person who has been enrolled for service in any particular branch, corps or unit shall be appointed to a corps or unit of that branch or to that corps or unit, as the case may be

9. Every enrolled person liable to perform military service under this Act who on becoming so liable has not attained the age of thirty-one years shall, within the training year in which he becomes so liable, undergo the preliminary training specified in Schedule I Preliminary training

Provided that, if such preliminary training cannot be completed within that training year, it may be completed at the discretion of the competent military authority in the training year next following

Provided further that any person who has completed the preliminary training required by regulations made under the Indian Defence Force Act, 1917,

III of 1917

who has served for a period of six months in
esty's naval, military or air forces or in His
's Royal Indian Marine, or who is certified
ompetent military authority to have under-
equate military training under the Indian
Force Act, 1917, or under this Act or other- III of 1917
hall be deemed to have completed the preli-
training required by this section

Every enrolled person (other than a commis-
fficer of the Auxiliary Force, India) who is
to rank as an officer of His Majesty's Forces,
dergo such periodical training as may be laid
regulations

Every enrolled person liable to perform mili-
vice under this Act (other than a person to
ie provisions of section 10 apply) shall be
as hereinafter provided in one or other of the
g classes, namely —

the Active Class;
the First (A) Class of the Reserve, or
the Second (B) Class of the Reserve,

ll undergo the periodical training specified
dule I for the Class in which he is for the
ng included.

(*1*) Every commissioned officer of the Auxi-
rce, India, shall be included in the Active
til he relinquishes his commission

Enrolled persons liable to perform military
under this Act, not being commissioned
f the Auxiliary Force, India, or entitled to
officers of His Majesty's Forces, shall be
as follows, namely. —

every such person who is required by section 9 to undergo preliminary training and has completed or is deemed to have completed the same shall be included in the Active Class until the end of the training year in which he attains the age of thirty-one years;

every such person who has completed the period of service in the Active Class as

required

required by clause (*a*) or is enrolled after attaining the age of thirty-one years and before attaining the age of forty years shall be included in the First (A) Class of the Reserve until the end of the training year in which he attains the age of forty years;

(*c*) every such person who has completed the period of service in the First (A) Class of the Reserve as required by clause (*b*) or is enrolled after attaining the age of forty years shall be included in the Second (B) Class of the Reserve until discharged from the Auxiliary Force, India, as hereinafter provided

(*3*) Any enrolled person who ceases to be entitled to rank as an officer of His Majesty's Forces or to be a commissioned officer of the Auxiliary Force, India, shall thereupon be included in the Class in which he would have been included under this section if the provisions of section 10 or sub-section (*1*), as the case may be, had not applied to him, and shall undergo periodical training accordingly

(*4*) Any person who is under this section included in either Class of the Reserve may apply to the competent military authority to be included for any training year in any other Class for which more periodical training is specified in Schedule I, and shall thereupon be deemed to be included in that Class.

(*5*) Notwithstanding anything hereinbefore contained, if any person is under this section included in any Class after the commencement of a training year, the competent military authority shall reduce to such extent as he may deem fit, or may remit, the amount of periodical training to be undergone by such person in that year

Variations of training

13 (*1*) The competent military authority may, by order in writing,—

(*a*) on the recommendation of the Advisory Committee, direct the inclusion of any enrolled

enrolled person in any Class for which less periodical training is specified than that specified for the Class in which he is included under the provisions of section 12, or

b) on his own motion or on the recommendation of the Advisory Committee, reduce the specified amount of training either in individual cases or in the case of any unit or part thereof for any stated period

) The competent military authority shall grant h person whose training is reduced under clause sub-section (*1*) a certificate setting forth the nt of training to be undergone during the said l

4 Every enrolled person shall, if and when ied by the competent military authority, present lf for such medical examination as may be saiy to determine the extent, if any, to which fit to undergo military training or to perform ary service, before a medical officer appointed or ved in that behalf by the competent military rity, and for the purposes of such medical exaion shall comply with the directions of such al officer

5. (*1*) Every person appointed to a corps or unit section 8 shall remain in that corps or unit transferred to another corps or unit by, or under ders of, the competent military authority, but rson shall be transferred from the Infantry h to another branch or from one unit to another located in the same prescribed military area t at his own request.

) Any person so transferred from the Infantry h to another branch may be required to undergo further preliminary training, not exceeding days, as may be ordered by the competent miliauthority, and thereafter shall undergo the periotraining specified in Schedule I for the branch hich he is transferred:

Provided

Provided that any periodical training already undergone by such person in the training year in which he is transferred shall be deemed to have been undergone in such other branch

Explanation—For the purposes of this section and of Schedule I, a day shall be deemed to consist of four hours of actual military drill or instruction, and may be made up of fractions of a day not more than four in number

Change of residence

16. (*1*) Any enrolled person who leaves his place of residence in India for the time being and thereby leaves the area commanded by one competent military authority for that commanded by another shall, if he does not intend to return to the area which he leaves, notify the competent military authority commanding that area of his change of residence

(*2*) If such person having intended to return does not return within three months, he shall notify the competent military authority as aforesaid immediately on the expiry of that period

(*3*) The competent military authority on being notified of a change of residence under sub-section (*1*) or sub-section (*2*) may, subject to the provisions of section 15, transfer such person from the corps or unit in which he is serving to another corps or unit

Discharge

17 (*1*) Any enrolled person who has attained the age of forty-five years or has completed four years' service from the date of his enrolment shall, on application made by him in the prescribed manner, be entitled to receive his discharge from the Auxiliary Force, India

(*2*) An enrolled person who is not entitled to his discharge under sub-section (*1*) may be discharged by the competent military authority on a recommendation of the Advisory Committee in this behalf.

Calling out and embodiment

18 No person liable to perform military service under this Act shall be required to perform such service except—

(*a*) when called out with any portion of the Auxiliary Force, India, by an order of the senior military officer present either to

to act in support of the civil power or to provide guards which, in the opinion of such officer, are essential, or

) when any portion of the Auxiliary Force, India, to which he belongs has been embodied to support or supplement His Majesty's regular forces in the event of an emergency by a notification directing such embodiment issued by the Governor General in Council or any Local Government empowered by the Governor General in Council in that behalf and published in the Gazette of India or the local official Gazette, as the case may be; or

) when attached at his own request to any regular forces

) No person called out under clause (*a*), or ied under clause (*b*), of section 18 shall be re- to perform military service beyond the limits prescribed military area in which the corps or o which he has been appointed or is for the eing attached is located, save when it is, in the n of the senior military officer present necessary ceed beyond those limits in the course of the cy operations upon which the corps or unit or rtion thereof is for the time being engaged

). Any portion of the Auxiliary Force, India, , having been called out or embodied under 18, is performing military service, shall be ed by regular troops or otherwise as soon as istances permit, and shall not be required to m such service after such replacement has been d to the satisfaction of the senior military present or after the cancellation of the order fication under clause (*a*) or (*b*) as the case e, of section 18.

. Every commissioned officer of the Auxiliary India, when doing duty as a commissioned , and every non-commissioned officer and man of

of the said Force—

(*a*) when attached to or otherwise acting as part of or with any regular forces, and

(*b*) when called out by an order, or embodied by a notification, under section 18,

44 and 45 Vict c 58

shall be subject to the provisions of the Army Act and any orders or regulations made thereunder, and the said Act, orders and regulations shall apply to every such person in the circumstances aforesaid as if the same were enacted in this Act, and as if such person held the same rank in His Majesty's Army as he holds for the time being in the said Force

Refusal to appear for military service

22 If any person liable to perform military service under this Act fails to comply with an order or notification under section 18 calling him out or embodying him for military service, any District Magistrate or Chief Presidency Magistrate may, on the application of the competent military authority or of an officer empowered by such authority in writing in that behalf, cause such person to be arrested and brought before him, and, if the Magistrate is satisfied that such person has been duly required to perform military service, the Magistrate may, without prejudice to any penalty which such person may have incurred, make over such person in custody to the military authorities

Penalties for breach of sections 8, 14 and 16

23 An enrolled person who refuses or without lawful excuse (the burden of proving which shall lie upon such person) neglects—

(*a*) to comply with any order under section 8, or

(*b*) to attend for medical examination, or to comply with the directions of the medical officer, as required by section 14, or

(*c*) to notify any change of residence as required by section 16,

shall be punishable with fine which may extend to fifty rupees.

Other offences

24 An enrolled person commits an offence if he, in circumstances when he is not subject to military

ry law, does any of the following acts
y —

when on parade or undergoing military train-
wearing His Majesty's uniform—

) strikes, or uses or offers violence to or uses threatening or insubordinate language to, or behaves with contempt to, his superior officer, or

) disobeys any standing order of, or lawful command given by, his superior officer, or

) neglects to obey a general or garrison order made specially applicable to the Auxiliary Force, India, by the competent military authority, or

) is in a state of intoxication, or

) being a non-commissioned officer strikes or ill-treats any person subject to military law or to this Act, or to the Indian Territorial Force Act, 1920, who is his subordinate in rank or position, XLVIII 1920

without sufficient cause fails to appear at
ace of parade at the time fixed or to attend at
ce in his capacity as a member of the Auxiliary
India, when duly required so to attend, or
n parade without sufficient cause quits the

without sufficient cause fails to perform any
f the training which by or under this Act he
ired to perform,

strikes, or uses or offers violence to, any
whether subject to military law or not in
military custody he is placed, and whether
erson is or is not his superior officer,

resists an escort whose duty it is to arrest
detain him in military custody,

being under arrest or detention or otherwise
ful military custody escapes or attempts to

(7) when

(7) when in charge of any property belonging to Government or to a corps or unit of the Auxiliary Force, India, makes away with, or is concerned in making away with, any such property,

(8) wilfully injures, or by culpable neglect loses or causes injury to, any such property as is mentioned in clause (7),

(9) wilfully ill-treats a horse or other animal used in the public service,

(10) knowingly furnishes a false return or report of the number or state of men under his command or charge, or of any money, arms or ammunition, clothing, equipment, stores or other property in his charge,

(11) through design or culpable neglect omits to make or send any return of any matter mentioned in clause (10) which it is his duty to make or send,

(12) when it is his official duty to make a declaration respecting any matter, makes a declaration respecting such matter which he either knows or believes to be false or does not believe to be true;

(13) knowingly makes against any person subject to military law or to this Act or to the Indian Territorial Force Act, 1920, an accusation which he either knows or believes to be false or does not believe to be true;

XLVIII of 1920.

(14) falsely personates any other person at any parade or on any occasion when such other person is required by or under this Act to do any act or attend at any place, or abets any such act of personation.

Punishment for offences under section 24.

25. (*1*) Any person committing any of the offences specified in sub-clauses (*b*), (*c*) and (*d*) of clause (1) or in clauses (2), (3), (8), (11), and (14) of section 24 shall be punishable with fine which may extend to two hundred rupees

(*2*) Any person committing any other offence specified in section 24 shall be punishable with imprisonment which may extend to two months, or

ne which may extend to two hundred rupees,
ɔth

he competent military authority may in his
dismiss any enrolled person from the
Force, India.

he Governor General in Council may
summary and minor punishments for
under section 24 or for contravention of
or regulation made under this Act to which
ɔersons shall be liable without the interven-
ı Criminal Court, and the officer or officers
and the circumstances in which and the
ɔ which such summary and minor punish-
y be inflicted, and the manner in which
punishment may be enforced

ded that no punishment involving any kind
sonment shall be imposed as a summary or
nishment.

led further that no summary punishment
inflicted in any case in which the accused
be tried by a Criminal Court.

1) The Local Government shall constitute
prescribed military area one or more
Committees each consisting of three or
mbers, of whom one shall be the competent
authority or a military officers appointed
this behalf and the others shall be persons
or enrolment in the Auxiliary Force, India,
e meaning of section 4, who shall be appoint-
lly by, or under the orders of, the Local
ɜnt.

ny Advisory Committee constituted for a
military area or a part thereof, as the
be, which includes a Presidency-town or
r place to which the Governor General in
may, by order in writing, declare this
n to apply, shall consist of not less than
ıbers, of whom not more than two shall be
ı the service of Government

ıe Governor General in Council shall
the duties, powers and procedure of Advisory

Committees

Committees and, in particular, the matters in respect of which the competent military authority shall be bound to give effect to a recommendation of an Advisory Committee unless the Local Government otherwise directs

Constitution and disbandment of units

29. The Governor General in Council may constitute any corps or unit and may disband any corps or unit constituted under this Act

Power to make rules

30. (*1*) The Governor General in Council may make rules to carry out the purposes of this Act

(*2*) In particular and without prejudice to the generality of the foregoing powers such rules may—

(*a*) provide for the appointment of enrolling officers,

(*b*) prescribe military areas for the purposes of this Act,

(*c*) prescribe the manner in which and the conditions subjects to which European British subjects and other persons who are not British subjects may offer themselves for enrolment under this Act;

(*d*) define the manner in which and the conditions under which persons or any class of persons liable to military service under this Act may be excused from being called out or embodied,

(*e*) prescribe the military training to be undergone by persons liable to military training under section 6 but not to military service under section 7,

(*f*) prescribe the rates of pay for, and provide for the grant of allowances to, persons liable to perform military service under this Act,

(*g*) prescribe for any military area which is a railway area or for any area beyond the limits of British India the authorities which shall be deemed respectively to be the Local Government and the District

District Magistrate for all or any of the purposes of this Act; and

ovide for any other matter which under this Act is to be or may be prescribed

r rule made under this section may pro- a contravention thereof shall be punish- ne which may extend to fifty rupees.

power to make rules conferred by this ll, except on the first occasion of the reof, be subject to the condition of pre- ation

rules made under this section shall be in the Gazette of India, and on such shall have effect as if enacted in this

Commander-in-Chief of His Majesty's dia may make regulations consistent with d the rules made thereunder providing ol details connected with the organisation iel of the Auxiliary Force, India, and s, equipment, military training, allowances enrolled persons

the purposes of sections 128, 130 and Code of Criminal Procedure, 1898, all V of 1898 -commissioned officers and men liable ilitary service under this Act who have ed to a corps or unit shall be deemed to non-commissioned officers and soldiers, of His Majesty's Army

as otherwise provided by section 27, no r this Act shall be tried save by a Court to that of a Presidency Magistrate or a the first class

enrolled person shall be liable to pay al or other tax in respect of a horse, r-bicycle, motor car or other means of which he is authorised by a general or of the competent military authority to is capacity as a member of the Auxiliary

XI of 1878

35. In section 1 of the Indian Arms Act, 1878, for the words and figures "a volunteer enrolled under the Indian Volunteers Act, 1869," the words and figures "a member of either of the forces constituted by the Indian Territorial Force Act, 1920, or the Auxiliary Force Act, 1920," and for the word "volunteer", the word "member," shall be substituted Amendment of section 1, Act XI of 1878.

36 On and from the date on which this Act comes into force, the enactments mentioned in Schedule II shall be repealed to the extent specified in the fourth column thereof Repeals

---

SCHEDULE I

(See sections 9, 11, 12 and 15)

TRAINING

1 Preliminary	
(a) for infantry .	32 days, and the annual musketry course as laid down in regulations
(b) for other branches . .	40 days, and the annual musketry or gun course as laid down in regulations.
2 Periodical	
(1) Active Class	
(a) for infantry .	16 days in each training year, and the annual musketry course as laid down in regulations
(b) for other branches	20 days in each training year, and the annual musketry or gun course as laid down in regulations.
(2) First (A) Class Reserve	
(a) for infantry .	6 days in each training year, and the annual musketry course as laid down in regulations
(b) for other branches .	10 days in each training year, and the annual musketry or gun course as laid down in regulations.
(3) Second (B) Class Reserve.	
(a) for infantry . . (b) for other branches .	The annual musketry course as laid down for this Class in regulations

NOTE (*cf* section 15) —A day consists of four hours of actual military drill or instruction, and may be made up of fractions of a day not more than four in number.

SCHEDULE II

SCHEDULE II

ENACTMENTS REPEALED

(*See section 36.*)

No	Short title	Extent of repeal
XX	The Indian Volunteers Act, 1869	The whole
XII	The Amending Act, 1891	So much of the Second Schedule as relates to the Indian Volunteers Act, 1869
X	The Indian Volunteers Act Amendment Act, 1896	The whole
V	The Amending (Army) Act, 1909	So much of the Schedule as relates to the Indian Volunteers Act, 1869
VI	The Indian Volunteers (Amendment) Act, 1909	The whole.
I	The Emergency Legislation Continuance Act, 1915	So much of the Schedule as relates to the Indian Volunteers Ordinance, 1914
III	The Indian Defence Force Act, 1917	The whole
VIII	The Indian Defence Force (Amendment) Act, 1918	The whole
XXI	The Indian Defence Force (Foreign Service) Amendment Act, 1918	The whole
VII	The Indian Defence Force (Amendment) Act, 1919	The whole.

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